UNITED STATES CODE

1976 EDITION

CONTAINING THE GENERAL AND PERMANENT LAWS
OF THE UNITED STATES, IN FORCE
ON JANUARY 3, 1977

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by the Office of the Law Revision Counsel of the House of Representatives

VOLUME FIVE

TITLE 19—CUSTOMS DUTIES
AND
TITLE 20—EDUCATION

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TITLES OF UNITED STATES CODE

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2. The Congress.
*3. The President.
*4. Flag and Seal, Seat of Government, and the States.
*5. Government Organization and Employees.
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*This title has been enacted as law.
†This title has been eliminated by the enactment of Title 10.

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PREFACE—1976 EDITION

This ninth edition of the United States Code was prepared and published pursuant to section 285b of Title 2 of the Code. It contains a consolidation and codification of all the general and permanent laws of the United States which are in force on January 3, 1977. By statutory authority this edition may be cited "U.S.C. 1976 ed." Previous editions were published in 1926, 1934, 1940, 1946, 1952, 1958, 1964, and 1970.

Inasmuch as many of the general and permanent laws which are required to be incorporated in this Code are inconsistent, redundant, and obsolete, the Office of the Law Revision Counsel is engaged in a comprehensive project of revising and enacting the Code into law, title by title. Since 1947, bills have been enacted to revise, codify and enact into law Titles 1, 3, 4, 5, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, 37, 38, 39, and 44. In addition, bills relating to other titles are also being prepared for introduction. When this work is completed all the titles of the Code will be legal evidence of the general and permanent law and recourse to the numerous volumes of the Statutes at Large for this purpose will be unnecessary.

The title and chapter structure of the 1970 edition, together with Supplement V thereto, has been substantially preserved, the only changes made having been necessitated by the enactment of legislation since 1970.

This edition continues the practice of setting out notes captioned "Section referred to in other sections". These notes have been inserted following each section that is referred to in the text of another section, indicating the section that contains the internal reference. In addition, there is included in this edition, for the first time, a comprehensive Table of Internal References which appears in the Tables volume. This Table consolidates all internal references contained in the individual "Section referred to in other sections" notes.

This edition has been prepared and published under the supervision of Edward F. Willett, Jr., Law Revision Counsel of the House of Representatives, with the assistance of the West Publishing Company, of St. Paul, Minnesota, which assisted in preparing all prior editions and supplements of the Code. Grateful acknowledgment is made of the cooperation by all who have helped in this work, particularly by the staffs of the publishing company and of the Office of the Law Revision Counsel, and by the Government Printing Office.

Thomas P O'Neill Jr.
M.C.
Speaker of the House of Representatives

WASHINGTON, D.C., *January 4, 1977.*

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CHAPTER 1—COLLECTION DISTRICTS, PORTS, AND OFFICERS

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§ 1. Organization of customs service

Except as hereinafter provided the reorganization of the customs service made by the President and communicated to Congress under date of March 3, 1913, shall, until otherwise provided by Congress, constitute the permanent organization of the customs service.

(Aug. 24, 1912, ch. 355, § 1, 37 Stat. 434.)

CODIFICATION

Section was superseded in part by section 2071 et seq. of this title.

PRIOR PROVISIONS

This was a provision of the sundry civil appropriation act for the fiscal year 1913. Prior to its incorporation into the Code, it reads as follows: "The President is authorized to reorganize the customs service and cause estimates to be submitted therefor on account of the fiscal year nineteen hundred and fourteen bringing the total cost of said service for said fiscal year within a sum not exceeding $10,150,000 instead of $10,500,000, the amount authorized to be expended therefor on account of the current fiscal year nineteen hundred and twelve; in making such reorganization and reduction in expenses he is authorized to abolish or consolidate collection districts, ports, and subports of entry and delivery, to discontinue needless offices and employments, to reduce excessive rates of compensation below amounts fixed by law or Executive order, and to do all such other and further things that in his judgment may be necessary to make such organization effective and within the limit of cost herein fixed; such reorganization shall be communicated to Congress at its next regular session and shall constitute for the fiscal year nineteen hundred and fourteen and until otherwise provided by Congress the permanent organization of the customs service." Such of the foregoing provisions as were not carried into the Code were omitted as temporary and executed.

The plan of reorganization, with an estimate of the expenses of the same, was communicated by the President to Congress by Message dated March 3, 1913, as follows:

"Message from the President of the United States, Transmitting Plan of Reorganization of the Customs Service and Detailed Estimate of Expenses of the Same.

"To the Senate and House of Representatives:

"Whereas, by virtue of the provision of chapter 355 of the acts of 1912, approved August 24, 1912, being 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes,' I was authorized to reorganize the customs service and cause estimates to be submitted therefor on account of the fiscal year 1914, reducing the total cost of said service for said fiscal year by an amount not less than $350,000, and I was further authorized in making such reorganization and reduction in expenses to abolish or consolidate collection districts, ports and subports of entry and delivery, to discontinue needless offices and employments, to reduce excessive rates of compensation below amounts fixed by law or Executive order, and to do all such other and further things that in my judgment may be necessary to make such reorganization effective and within the said limit of cost; and

"Whereas, it was further provided that such reorganization should be communicated to Congress at its next regular session and should constitute for the fiscal year 1914, and until otherwise provided by Congress, the permanent organization of the customs service: Now, therefore,

"It is hereby ordered and communicated that the following plan shall be the organization of the customs service for the said fiscal year 1914, and unless otherwise provided by Congress the permanent organization of the customs service:

"I. CUSTOMS DISTRICTS

"In lieu of all customs-collection districts, ports, and subports of entry and ports of delivery now or heretofore existing there shall be 49 customs-collection districts with district headquarters and port of entry as follows:" [The customs-collection districts, ports, and subports of entry and ports of delivery enumerated in the President's message to Congress have been changed since the date of the message and the districts and their boundaries and ports of entry are subject to further changes under section 2 of this title.]

"II. The use of the terms 'port of delivery' and 'subport of entry' is hereby discontinued, and all ports of entry, subports of entry, and ports of delivery not above specifically mentioned as ports of entry, are hereby abolished.

"III. The privileges of the first and seventh sections of the act of June 10, 1880, commonly known as the 'immediate transportation act' shall remain as heretofor existing with respect to the ports of entry above mentioned.

"IV. There shall be one collector of customs for each of the customs collection districts above established, who shall receive the compensation hereafter set forth, which shall constitute all the compensation and emoluments to be received by him and which shall be in lieu of all fees, commissions, salaries, or other emoluments of any name or nature (including the right to charge for blank manifests and clearances under the provisions of section 2648 of the Revised Statutes) heretofore received by or allowed to him.

"All moneys collected or received by such collectors of customs in their official capacities, whether as fees, storage, commissions, or from the sale of blank forms or otherwise, shall be covered into the Treasury.

"V. Such collectors shall maintain their principal offices at the headquarters of their respective districts, with the exception of the collectors for the districts of Virginia, Minnesota, and Duluth and Superior, who shall maintain a principal office at both Newport News and Norfolk, and at both St. Paul and Minneapolis, and at both Duluth and Superior, respectively.

"VI. The collector of customs or the surveyor of customs (if there be no collector) for any district heretofore existing in which the port above mentioned as the headquarters of a district hereby created is located shall continue to hold office as the collector of customs for such new district under his existing commission, or if the port so designated as the headquarters of any district hereby created by an independent port of delivery the collector or surveyor (if there be no collector) shall continue to hold office as the collector of customs for such new district under his existing commission, and the terms of office of all other collectors of customs, and the terms of office of all other surveyors of customs, except the surveyors of customs at the ports of Portland, Me., Boston, Mass., New York, N.Y., Philadelphia, Pa., Baltimore, Md., New Orleans, La., and San Francisco, Cal., shall cease and determine upon this reorganization going into effect.

"VII. The Secretary of the Treasury may appoint a deputy collector to have charge of each port of entry, who shall perform such duties and receive such compensation as the Secretary of the Treasury shall determine.

"VIII. The Secretary of the Treasury is hereby authorized to prescribe uniform blank forms to be used in connection with the entry and clearance of merchandise, and to cause such forms to be printed and to be kept on sale at the various ports of entry as he may direct, the net proceeds of such sales to be covered into the Treasury.

"IX. Merchandise shall not be entered or delivered from customs custody elsewhere than at one of the ports of entry hereinbefore designated, except at the expense of the parties in interest, upon express authority from the Secretary of the Treasury and under conditions to be prescribed by him. When it shall be made to appear to the Secretary of the Treasury that the interests of commerce or the protection of the revenue so require, he may cause to be stationed at places in the various collection districts, though not named as ports of entry, officers or employees of the customs with authority to enter and clear vessels, to accept entries of merchandise, to collect duties, and to enforce the various provisions of the customs and navigation laws.

"X. All persons now in the classified civil service whose employment may be discontinued by reason of this reorganization shall be retained upon the list of eligibles for appointment to fill any vacancies hereafter occurring in the customs service.

"XI. The notice of dissatisfaction and protest provided for by subsections 13 and 14 of section 28 of the act approved August 5, 1909, shall be deemed to be finally abandoned and waived unless within 30 days from the date of filing thereof the person who filed such notice or protest shall deposit with the collector of customs a fee of $1 with respect to each appraisement, entry, or payment objected to. Such fee shall be deposited and accounted for as 'Miscellaneous receipts,' and in case the notice of dissatisfaction or protest in connection with which such fee was deposited shall be finally sustained in whole or in part, such fee shall be refunded to the importer, with the duties found to be collected in excess, from the appropriation for the refund to importers of excess of deposits.

"Attached hereto is a detailed estimate of the expenses of the customs service under the reorganization above provided. [Omitted as not permanent, and in any event superseded by section 6 of this title.]

"Done at Washington, D.C., this 3d day of March, 1913.

"WM. H. TAFT."

REORGANIZATION PLAN NO. 1 OF 1965

Eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 25, 1965, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended [see section 901 et seq. of Title 5, Government Organization and Employees].

BUREAU OF CUSTOMS

SECTION 1. ABOLITION OF OFFICES

All offices in the Bureau of Customs of the Department of the Treasury of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise to which appointments are required to be made by the President, by and with the advice and consent of the Senate, are abolished. The foregoing provisions shall become effective with respect to each office abolished thereby at such time, not later than December 31, 1966, as the Secretary of the Treasury shall specify, but nothing herein shall empower the Secretary to increase the term of any office beyond that provided by law for such office or affect his authority under the first paragraph under the heading "TREASURY DEPARTMENT" appearing in the Act of March 2, 1895 (ch. 187, 28 Stat. 844; 5 U.S.C. 252), to retain in office, prior to December 31, 1966, those persons whose offices are to be terminated under this reorganization plan.

SEC. 2. TRANSFER OF FUNCTIONS

There are transferred to the Secretary of the Treasury the functions, if any, that have been vested by statute in officers, agencies, or employees of the Bureau of Customs of the Department of the Treasury since the effective date of Reorganization Plan No. 26 of 1950 (64 Stat. 1280).

SEC. 3. PRESERVATION OF REMEDIES

The abolition of offices herein shall not prejudice any right to protest or to appeal to the United States Customs Court any action taken in the administration of the customs laws.

SEC. 4. INCIDENTAL PROVISIONS

Consonant with section 4 of the Reorganization Act of 1949, as amended and this reorganization plan, the Secretary of the Treasury shall make such provisions as he shall deem necessary respecting (1) the transfer or other disposition of the records, property, personnel, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, which are affected by a reorganization contained in this reorganization plan; and (2) the winding up of the affairs of any officer whose office is abolished by the provisions of this reorganization plan.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

All that we do to serve the people of this land must be done, as has been my insistent pledge, with the least cost and the most effectiveness.

In my state of the Union message, I announced it was this administration's intention to "reshape and reorganize" the executive branch. This goal had one objective: "to meet more effectively the tasks of today."

I report today now one step taken forward toward that goal as part of our progress "on new economies we were planning to make."

I submit today a plan for reorganization in the Bureau of Customs of the Department of the Treasury.

At present the Bureau maintains 113 independent field offices, each reporting directly to Customs headquarters in Washington, D.C. Under a modernization program of which this reorganization plan is an integral part, the Secretary of the Treasury proposes to establish six regional offices to supervise all Customs field activities. The tightened management controls achieved from these improvements will make possible a net annual saving of $9 million within a few years.

An essential feature will be the abolition of the offices of all Presidential appointees in the Customs Service. The program cannot be effectively carried out without this step.

The following offices, therefore, would be eliminated: Collectors of customs, comptrollers of customs, surveyors of customs, and appraisers of merchandise, to which appointments are now required to be made by the President by and with the advice and consent of the Senate.

Incumbents of abolished offices will be given consideration for suitable employment under the civil service laws in any positions in customs for which they may be qualified.

When this reorganization is completed, all officials and employees of the Bureau of Customs will be appointed under the civil service laws.

All of the functions of the offices which will be abolished are presently vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 which gives the Secretary power to redelegate these functions. He will exercise this power as the existing offices are abolished.

The estimate of savings that will be achieved by the program of customs modernization and improvement, of which this reorganization plan is a part, is based on present enforcement levels, business volume, and salary scales. Of the amounts saved, approximately $1 million a year will be from salaries no longer paid because of the abolition of offices.

The proposed new organizational framework looks to the establishment of new offices at both headquarters and field levels and abolition of present offices.

This results in a net reduction of more than 50 separate principal field offices by concentration of supervisory responsibilities in fewer officials in charge of regional and district activities. In addition to the six offices of regional commissioner, about 25 offices of district director will be established. The regional commissioners and district directors will assume the overall principal supervisory responsibilities and functions of collectors of customs, appraisers of merchandise, comptrollers of customs, laboratories, and supervising customs agents.

At the headquarters level, four new offices will be established to replace seven divisions. A new position of special assistant to the Commissioner will be created and charged with responsibility for insuring that all Customs employees conduct themselves in strict compliance with all applicable laws and regulations. Up to now this function has been one of a number lodged with an existing division.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 1 of 1965 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

It should be emphasized that abolition by Reorganization Plan No. 1 of 1965 of the offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise will in no way prejudice any right of any person affected by the laws administered by the Bureau of Customs. The rights of importers and others, for example, before the Customs Court, arising out of the administration of such functions will remain unaffected. In addition it should be emphasized that all essential services to the importing, exporting, and traveling public will continue to be performed.

This reorganization plan will permit a needed modernization of the organization and procedure of the Bureau of Customs. It will permit a more effective administration of the customs laws.

I urge the Congress to permit Reorganization Plan No. 1 of 1965 to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, March 25, 1965.

§ 2. Rearrangement and limitation of districts; changing locations

The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead. The President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require.

(Aug. 1, 1914, ch. 223, § 1, 38 Stat. 623; May 29, 1928, ch. 901, § 1(19), 45 Stat. 987; June 2, 1970, Pub. L. 91-271, title III, § 302, 84 Stat. 291.)

AMENDMENTS

1970—Pub. L. 91-271 struck out the provisions limiting the number of customs-collection districts and ports of entry to those established and authorized as of Aug. 1, 1914, except as thereafter provided by law, and provisions requiring the collector of customs of each customs-collection district to be officially designated by the number of the district for which appointed.

1928—Act May 29, 1928, provided for the discontinuance of the statement or report as required by a proviso at the end of the section which read "That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done under the provisions of this section and the reasons therefor."

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out as a note under section 1 of this title.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Treasury of authority vested in the President by this section, see Ex. Ord. No. 10289, September 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

DISPLAY OF FLAG AT PORTS OF ENTRY

For provisions concerning the display of the flag of the United States Customs Ports of Entry, see Proc. No. 4131, May 5, 1972, 37 F.R. 9311, set out as a note under section 174 of Title 36, Patriotic Societies and Observances.

PEMBINA, NORTH DAKOTA, CUSTOMS DISTRICT; CHANGE IN BOUNDARIES PROHIBITED WITHOUT CONGRESSIONAL CONSENT

Pub. L. 93-245, c. X, § 1000, Jan. 3, 1974, 87 Stat. 1083, provided: "That none of the funds made available under any Act shall be obligated or expended to change the boundaries of the Pembina, North Dakota Customs District (Region IX), without the consent of the Committees on Appropriations of the United States Senate and House of Representatives."

ANNEX A TO TARIFF SCHEDULES OF THE UNITED STATES

Schedule D—Code Classification of United States Customs Districts and Ports

[The italicized port of each district is the headquarters port of that district]

Code No., customs district, and port

- 01. PORTLAND, MAINE
  - 01. *Portland*
  - 02. Bangor (including Brewer)
  - 03. Eastport (including Cutler, Lubec)
  - 04. Jackman
  - 05. Vanceboro
  - 06. Houlton
  - 07. Fort Fairfield
  - 08. Van Buren
  - 09. Madawaska
  - 10. Fort Kent
  - 11. Bath
  - 12. Bar Harbor
  - 15. Calais (including Robbinston)
  - 18. Limestone
  - 21. Rockland
  - 22. Jonesport
  - 27. Bridgewater
  - 31. Portsmouth, N.H.
  - 32. Belfast (including Bucksport, Sandy Point, Winterport)
  - 52. Searsport
- 02. ST. ALBANS, VERMONT
  - 01. *St. Albans*
  - 03. Richford
  - 05. Alburg
  - 06. Beecher Falls
  - 07. Burlington
  - 08. North Troy
  - 09. Derby Line
  - 10. Highgate Springs
  - 11. Norton
- 04. BOSTON, MASSACHUSETTS
  - 01. *Boston* (including Chelsea, Revere, Braintree, Weymouth, Quincy, Everett)
  - 02. Springfield
  - 03. Worcester
  - 04. Gloucester
  - 05. New Bedford
  - 06. Plymouth
  - 07. Fall River
  - 08. Salem
  - 09. Provincetown
  - 16. Lawrence
  - 17. Logan Airport
- 05. PROVIDENCE, RHODE ISLAND
  - 01. Newport
  - 02. *Providence*
  - 03. Melville (including Portsmouth)
- 06. BRIDGEPORT, CONNECTICUT
  - 01. *Bridgeport*
  - 02. Hartford
  - 03. New Haven
  - 04. New London (including Groton)
- 07. OGDENSBURG, NEW YORK
  - 01. *Ogdensburg*
  - 04. Massena
  - 05. Fort Covington
  - 06. Cape Vincent
  - 08. Alexandria Bay
  - 11. Chateaugay
  - 12. Champlain-Rouses Point
  - 14. Clayton
  - 15. Trout River
- 09. BUFFALO, NEW YORK
  - 01. *Buffalo-Niagara Falls*
  - 03. Rochester
  - 04. Oswego
  - 05. Sodus Point
  - 06. Syracuse
  - 07. Utica
- 10. NEW YORK CITY, NEW YORK
  - 01. *New York*
  - 02. Albany
  - 03 or 46-01. Newark, N.J. [1]
  - 04 or 46-02. Perth Amboy, N.J. [1]
  - 12 or 47-01. John F. Kennedy International Airport
- 11. PHILADELPHIA, PENNSYLVANIA
  - 01. *Philadelphia, Pa.*

Code No., customs district, and port

- 11. PHILADELPHIA, PENNSYLVANIA (continued)
  - 02. Chester, Pa.
  - 03. Wilmington, Del. (including Claymont, Delaware City, Edgemoor, Pigeon Point, Reedy Point)
  - 04. Pittsburgh, Pa.
  - 05. Paulsboro, N.J. (including Billingsport, Eagle Point, Mantua Creek, Thompson Point, Westville)
  - 06. Wilkes-Barre/Scranton, Pa.
  - 07. Camden, N.J. (including Petty Island, Del Air)
  - 08. Philadelphia International Airport
  - 09. Harrisburg, Pa.
  - 13. Gloucester City, N.J.
  - 18. Marcus Hook, Pa.
- 13. BALTIMORE, MARYLAND
  - 01. Annapolis
  - 02. Cambridge
  - 03. *Baltimore*
  - 04. Crisfield
- 14. NORFOLK, VIRGINIA
  - 01. *Norfolk* (including Portsmouth)
  - 02. Newport News (including York River)
  - 04. Richmond-Petersburg (Including Appomattox and James Rivers)
  - 06. Cape Charles City
  - 07. Reedville
  - 08. Hopewell
  - 09. Charleston, W. Va.
- 15. WILMINGTON, NORTH CAROLINA
  - 01. *Wilmington*
  - 02. Winston-Salem
  - 03. Durham
  - 06. Reidsville
  - 11. Beaufort-Morehead City
  - 12. Charlotte
- 16. CHARLESTON, SOUTH CAROLINA
  - 01. *Charleston*
  - 02. Georgetown
  - 03. Greenville-Spartanburg, S.C.
- 17. SAVANNAH, GEORGIA
  - 01. Brunswick
  - 03. *Savannah*
  - 04. Atlanta
- 18. TAMPA, FLORIDA
  - 01. *Tampa* (including Port Tampa)
  - 03. Jacksonville
  - 05. Fernandina Beach
  - 07. Bocagrande
  - 08. Orlando
  - 14. St. Petersburg
  - 16. Port Canaveral
- 19. MOBILE, ALABAMA
  - 01. *Mobile, Ala.* (including Theodore)
  - 02. Gulfport, Miss.
  - 03. Pascagoula, Miss.
  - 04. Birmingham, Ala.
  - 05. Apalachicola, Fla.
  - 06. Carrabelle, Fla.
  - 07. Panama City, Fla.
  - 08. Pensacola, Fla.
  - 09. Port St. Joe, Fla.
- 20. NEW ORLEANS, LOUISIANA
  - 01. Morgan City, La.
  - 02. *New Orleans, La.* (including Belle Chasse, Concession, Gretna, Harvey, Inner Harbor Navigation Canal, Marrero, Seatrain Landing, Southport, Westwego)
  - 03. Little Rock-North Little Rock, Ark.
  - 04. Baton Rouge, La.
  - 05. Port Sulphur, La.

Code No., customs district, and port

- 20. NEW ORLEANS, LOUISIANA (continued)
  - 06. Memphis, Tenn.
  - 07. Nashville, Tenn.
  - 08. Chattanooga, Tenn.
  - 09. Destrehan, La. (including Luling)
  - 10. Gramercy, La.
  - 11. Greenville, Miss.
  - 12. Avondale, La.
  - 13. St. Rose, La.
  - 14. Good Hope, La.
  - 15. Vicksburg, Miss.
  - 16. Knoxville, Tenn.
- 21. PORT ARTHUR, TEXAS
  - 01. *Port Arthur, Tex.*
  - 02. Sabine, Tex.
  - 03. Orange, Tex.
  - 04. Beaumont, Tex. (including Port Neches)
  - 05. Lake Charles, La.
- 22. GALVESTON, TEXAS
  - 01. *Galveston*
  - 04. Freeport
  - 05. Corpus Christi, (including Port Aransas, Ingleside Terminal)
  - 06. Texas City
  - 08. Port Lavaca
- 23. LAREDO, TEXAS
  - 01. Brownsville (including Port Isabel)
  - 02. Del Rio
  - 03. Eagle Pass
  - 04. *Laredo*
  - 05. Hidalgo
  - 07. Rio Grande City
  - 08. San Antonio
  - 09. Progresso
  - 10. Roma
- 24. EL PASO, TEXAS
  - 02. *El Paso, Tex.* (including Ysleta)
  - 03. Presidio, Tex.
  - 04. Fabens, Tex.
  - 05. Denver Colo.
  - 06. Columbus, N. Mex.
  - 07. Albuquerque, N. Mex.
- 25. SAN DIEGO, CALIFORNIA
  - 01. *San Diego*
  - 02. Andrade
  - 03. Calexico
  - 04. San Ysidro
  - 05. Tecate
- 26. NOGALES, ARIZONA
  - 01. Douglas
  - 02. Lukeville
  - 03. Naco
  - 04. *Nogales*
  - 05. Phoenix
  - 06. Sasabe
  - 08. San Luis
- 27. LOS ANGELES, CALIFORNIA
  - 04. *Los Angeles*
  - 07. Port San Luis (including San Luis Obispo)
  - 09. Long Beach (including Huntington Beach, Newport Bay)
  - 11. El Segundo
  - 12. Ventura
  - 13. Port Hueneme
  - 15. Capitan
  - 19. Morro (including Estero Bay)
  - 20. Los Angeles International Airport
  - 22. Las Vegas, Nevada
- 28. SAN FRANCISCO, CALIFORNIA
  - 01. San Francisco International Airport
  - 02. Eureka
  - 03. Fresno
  - 05. Monterey
  - 09. *San Francisco*
  - 10. Stockton
  - 11. Oakland
  - 12. Richmond

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[1] The first code shown is currently used by the Bureau of the Census in the compilation of the foreign trade statistics; the second code, assigned for Customs Service operations, may be used on import entries and export declarations filed for transactions through the specified ports. In Bureau of the Census statistical reports, New York City Customs District totals represent a summarization for the five ports. Newark and Perth Amboy are included in the New York port (10.1) in the shipping statistics presented in reports such as FT 985, SM 305, and SM 705.

ANNEX A TO TARIFF SCHEDULES OF THE UNITED STATES—Continued

Schedule D—Code Classification of United States Customs Districts and Ports—Continued

[The italicized port of each district is the headquarters port of that district]

Code No., customs district, and port

- 13. Alameda
- 15. Crockett
- 16. Sacramento
- 20. Martinez
- 21. Redwood City
- 27. Selby
- 28. San Joaquin River (including Antioch, Mayberry Slough, Pittsburg; excluding Stockton
- 29. San Pablo Bay (including San Pablo, Mare Island Strait, Oleum, Vallejo)
- 30. Carquinez Strait (including Benicia, Port Costa; excluding Crockett, Martinez, Selby)
- 31. Suisun Bay (including Avon, Suisun Slough, Sacramento Point)
- 32. Salt Lake City, Utah
- 33. Reno, Nevada

- 29. PORTLAND, OREGON
  - 01. Astoria, Oreg.
  - 02. Newport, Oreg. (including Toledo)
  - 03. Coos Bay, Oreg. (including North Bend and all points on Coos Bay in Oregon; Empire, Coos Bay, Millington, North Bend)
  - 04. *Portland, Oreg.* (including Linnton)
  - 05. Longview, Wash.
  - 08. Vancouver, Wash.
  - 09. Kalama, Wash.
- 30. SEATTLE, WASHINGTON
  - 01. *Seattle* (including Point Wells)
  - 02. Tacoma
  - 03. Aberdeen-Hoquiam (including Grays Harbor)
  - 04. Blaine
  - 05. Bellingham
  - 06. Everett
  - 07. Port Angeles
  - 08. Port Townsend
  - 09. Sumas
  - 10. Anacortes
  - 11. Nighthawk
  - 12. Danville
  - 13. Ferry
  - 14. Friday Harbor
  - 15. Boundary
  - 16. Laurier
  - 19. Oroville
  - 20. Frontier
  - 21. South Bend-Raymond (including Willapa Harbor)
  - 22. Spokane
  - 23. Lynden
  - 25. Metaline Falls
  - 26. Olympia
  - 27. Neah Bay
  - 29. Seattle-Tacoma International Airport
- 31. ANCHORAGE, ALASKA
  - 01. Juneau
  - 02. Ketchikan (including Ward Cove and Herring Bay)
  - 03. Skagway
  - 04. Alcan
  - 05. Wrangell
  - 11. Fairbanks
  - 12. Petersburg
  - 15. Sitka
  - 24. Pelican
  - 25. Sand Point
  - 26. *Anchorage*
  - 27. Kodiak
- 32. HONOLULU, HAWAII
  - 01. *Honolulu* (including Pearl Harbor)
  - 02. Hilo
  - 03. Kahului
  - 04. Nawiliwili-Port Allen
  - 05. Honolulu International Airport
- 33. GREAT FALLS, MONTANA
  - 01. Raymond
  - 02. Eastport, Idaho
  - 04. *Great Falls*
  - 05. Butte
  - 06. Turner
  - 08. Porthill, Idaho
  - 09. Scobey
  - 10. Sweetgrass
  - 12. Whitetail
  - 16. Piegan
  - 17. Opheim
  - 18. Roosville
  - 19. Morgan
  - 21. Whitlash
  - 22. Del Bonita
- 34. PEMBINA, NORTH DAKOTA
  - 01. *Pembina, N.D.*
  - 02. Noyes, Minn.
  - 03. Portal, N.D.
  - 04. Neche, N.D.
  - 05. St. John, N.D.
  - 06. Northgate, N.D.
  - 07. Walhalla, N.D.
  - 08. Hannah, N.D.
  - 09. Sarles, N.D.
  - 10. Ambrose, N.D.
  - 13. Antler, N.D.
  - 14. Sherwood, N.D.
  - 15. Hansboro, N.D.
  - 16. Maida, N.D.
  - 17. Fortuna, N.D.
  - 19. Westhope, N.D.
  - 20. Noonan, N.D.
  - 21. Carbury, N.D.
  - 22. Dunseith, N.D.
  - 23. Warroad, Minn. (Including Oak Island)
  - 24. Baudette, Minn.
  - 25. Pinecreek, Minn.
  - 26. Roseau, Minn.
- 35. MINNEAPOLIS, MINNESOTA
  - 01. *Minneapolis-St. Paul*
- 36. DULUTH, MINNESOTA
  - 01. *Duluth, Minn.*
  - 02. Ashland, Wis.
  - 04. International Falls-Ranier, Minn.
  - 08. Superior, Wis.
  - 13. Grand Portage, Minn.
  - 14. Silver Bay, Minn. (Including Taconite)
- 37. MILWAUKEE, WISCONSIN
  - 01. *Milwaukee*
  - 02. Marinette (including Menominee, Mich.)
  - 03. Green Bay (including De Pere)
  - 06. Manitowoc
  - 07. Sheboygan
  - 08. Racine (including Kenosha)
- 38. DETROIT, MICHIGAN
  - 01. *Detroit* (including Ecorse, Riverview, River Rouge, Trenton and Wyandotte)
  - 02. Port Huron (including Black River, Marysville and St. Clair)
  - 03. Sault Ste. Marie (Including Port Inland, Munising)
  - 04. Saginaw-Bay City (including Bangor, Carrollton, Essexville)
  - 05. Battle Creek
  - 06. Grand Rapids
  - 08. Escanaba
  - 09. Marquette
  - 14. Algonac (including Roberts Landing)
  - 15. Muskegon (including Manistee)
  - 16. Grand Haven
  - 18. Rogers City (Including Calcite)
  - 19. Detour
  - 20. Mackinac Island
  - 42. Presque Isle
  - 43. Alpena (Including Stone Port, Bay Shore)
  - 44. Ferrysburg
- 39. CHICAGO, ILLINOIS
  - 01. *Chicago, Ill.* (including Waukegan Harbor, Calumet Harbor, and Chicago River to Lockport)
  - 02. Peoria, Ill.
  - 03. Omaha, Nebr.
  - 04. East Chicago, Ind.
  - 05. Gary, Ind. (including Michigan City Harbor)
  - 06. O'Hare International Airport
  - 07. Des Moines, Iowa
- 41. CLEVELAND, OHIO
  - 01. *Cleveland, Ohio*
  - 02. Cincinnati, Ohio
  - 03. Columbus, Ohio
  - 04. Dayton, Ohio
  - 05. Toledo, Ohio
  - 06. Erie, Pa.
  - 07. Sandusky, Ohio
  - 08. Ashtabula, Ohio
  - 09. Conneaut, Ohio
  - 10. Indianapolis, Ind.
  - 11. Fairport, Ohio
  - 12. Akron, Ohio
  - 13. Evansville, Ind.
  - 14. Lawrenceburg, Ind.
  - 15. Louisville, Ky.
  - 17. Huron, Ohio
  - 21. Lorain, Ohio
- 45. ST. LOUIS, MISSOURI
  - 01. Kansas City
  - 02. St. Joseph
  - 03. *St. Louis*
  - 04. Witchita, Kansas
- 49. SAN JUAN, PUERTO RICO
  - 01. Aguadilla
  - 04. Fajardo
  - 05. Guanica
  - 06. Humacao
  - 07. Mayaguez
  - 08. Ponce
  - 09. *San Juan*
  - 11. Jobos
  - 12. Guayanilla,
  - 13. San Juan International Airport
- 51. VIRGIN ISLANDS OF THE UNITED STATES [1]
  - 01. *Charlotte Amalie*
  - 02. Cruz Bay
  - 03. Coral Bay
  - 04. Christiansted
  - 05. Frederiksted
- 52. MIAMI, FLORIDA
  - 01. *Miami*
  - 02. Key West
  - 03. Port Everglades
  - 04. West Palm Beach
  - 05. Fort Pierce
  - 06. Miami International Airport
- 53. HOUSTON, TEXAS
  - 01. *Houston* (Including Baytown)
  - 04. Oklahoma City, Okla.
  - 05. Tulsa, Okla.
  - 06. Dallas-Fort Worth
  - 07. Amarillo
  - 08. Lubbock, Texas
- 54. WASHINGTON, D.C.
  - 01. *Washington, D.C.*
  - 02. Alexandria, Va.
- 60. Vessels under their own power or afloat (imports and exports)
- 70. Shipments individually valued under $251 (imports and exports)
- 80. Mail shipments (exports only)

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[1] The Virgin Islands are not a part of the U.S. customs area and trade with foreign countries which enters or leaves through this district is not included in the statistics on U.S. trade with foreign countries. For further information, see the Guide to Foreign Trade Statistics.

ANNEX B TO TARIFF SCHEDULES OF THE UNITED STATES

Schedule C—Classification of Country Designations Used in Compiling the United States Foreign Trade Statistics

Schedule C Code No.	Foreign trade statistics country designations with countries, adjacent provinces, territories, islands and other areas included under the foreign trade statistics country designation	Abbreviated country designations* frequently shown in FT reports
	NORTH AMERICA	
	Northern Area:	USA
101	Greenland (Danish)	Greenld
122	Canada (including Newfoundland and Labrador)[2]	Canada
	Nova Scotia, New Brunswick, and Prince Edward Island (including Cape Breton Island and the smaller islands of Grand Manan, Campobello, etc.); Quebec and Ontario (including Anticosti Island, the Magdalen Islands); Manitoba, Saskatchewan, Alberta; British Columbia, the Northwest Territories, and Yukon (including Vancouver Island) and Queen Charlotte Islands.	
161	Miquelon and St. Pierre Islands (French)	Miquel
	(off the coast of Newfoundland.)	Miquel
	Southern Area:	
201	Mexico (including Cozumel and Revilla Gigedo Islands)	Mexico
	Central America:	
205	Guatemala	Guatmal
208	British Honduras	Br Hond
211	El Salvador	Salvadr
215	Honduras (including the Bay Islands)	Hondura
219	Nicaragua	Nicarag
223	Costa Rica	C. Rica
225	Panama, Republic of	Panama
227	Canal Zone	Canal Z
	Bermuda and Caribbean:	
232	Bermuda (British)	Bermuda
236	Bahamas (British)	Bahamas
	Including Harbor Island, Long Island, and the islands Andros, Abaco, Grand Bahama, Providence, Great Inagua, Eleuthera, and several smaller islands.	
239	Cuba (including Isle of Pines)	Cuba
242	Jamaica (British)	Jamaica
	Including the Turks, the Caicos, and Cayman Islands, and the Morant and Pedro Cays.	
245	Haiti (including Gonave and Tortuga Islands)	Haiti
247	Dominican Republic	Dom Rep
248	Leeward and Windward Islands (British)	LW Ww I
	Leeward Islands. Including the islands of Antigua, Barbuda, Redonda, St. Christopher (St. Kitts), Nevis, Anguilla, Montserrat, and the British Virgin Islands with Sombrera, Tortola, Anegada, Jost Van Dykes, and Virgin Gorda.	
	Windward Islands. Including the islands Grenada, St. Vincent, St. Lucia, Dominica, and the Grenadines with Carriacou, Union, Cannouan, etc.	
272	Barbados (British)	Barbado
274	Trinidad and Tobago (British)	Trinid
277	Netherlands Antilles[1] (formerly Curacao, N.W.I.)	N Antil
	Including Curacao, Aruba, Bonaire, Saba, St. Eustache (St. Eustatius), St. Martin (southern part).	
283	French West Indies	F W Ind
	Including the islands Desirade, Guadeloupe, Les Saintes, Martinique, Marie Galante, St. Martin (northern part), and St. Bartholomew.	
	SOUTH AMERICA	
	Northern Area:	
301	Colombia	Colomb
307	Venezuela	Venez
312	British Guiana	B Guian
315	Surinam (Netherlands Guiana)	Surinam
317	French Guiana	F Guiana
	Inini.	
	Western Area:	
331	Ecuador	Ecuador
	Including the Galapagos Islands.	
333	Peru	Peru
335	Bolivia	Bolivia
337	Chile	Chile
	Including the islands Sala-y-Gomez, Juan Fernandez, San Felix, San Ambrosio, and Easter Island.	
	Eastern Area:	
351	Brazil	Brazil
	Including the islands St. Paul, Fernando Noronha, Trinidad (in South Atlantic).	
353	Paraguay	Paragua
355	Uruguay	Uruguay
357	Argentina	Argent
372	Falkland Islands (British)	Falk Is
	Including Falkland Islands and the South Georgia, South Orkney, South Shetland, and South Sandwich Islands.	
	EUROPE	
	Northwestern and Central Area:	
400	Iceland	Iceland
401	Sweden	Sweden
	Including the islands of Oland and Gotland (Gothland).	
403	Norway	Norway
	Including Spitzbergen (Svalbard), Bear Island, and Jan Mayen Island.	

See footnotes at end of table.

ANNEX B TO TARIFF SCHEDULES OF THE UNITED STATES—Continued

Schedule C—Classification of Country Designations Used in Compiling the United States Foreign Trade Statistics—Continued

Schedule C Code No.	Foreign trade statistics country designations with countries, adjacent provinces, territories, islands and other areas included under the foreign trade statistics country designation	Abbreviated country designations[8] frequently shown in FT reports
	EUROPE—Continued	
409	Denmark (except Greenland)	Denmark
	Including Northern Slesvig (Schleswig), the island of Vornholm, and the Faroe Islands.	
412	United Kingdom of Great Britain and Northern Ireland	U King
	England, Wales, the Channel Islands, the Isles of Wight and Man, and the Scilly Islands; Scotland, the Hebrides, Orkney and Shetland Islands; and Northern Ireland, comprising the counties of Londonderry, Antrim, Down, Tyrone, Armagh, and Fermanagh.	
419	Ireland[1] (Eire)	Ireland
	Ireland except the 6 counties of Northern Ireland (Londonderry, Antrim, Tyrone, Down, Armagh, and Fermanagh), for which see United Kingdom of Great Britain and Northern Ireland.	
421	Netherlands (Holland)	Nethlds
423	Belgium and Luxembourg (including Eupen and Malmedy)	Belgium
427	France	France
	Including Corsica, Andorra, and Monaco.	
	Germany:	
428	West Germany[3] (Federal Republic of Germany, Western Sectors of Berlin[4] and the Saar)[5]	W Germ
429	East Germany[3] (Soviet Zone of Germany and the Soviet Sector of Berlin[4])	E Germ
433	Austria	Austria
	Austria with provinces of Upper Austria, Lower Austria, Salzburg, Northern Tyrol, Styria, Carinthia and Vorarlberg; Burgenland, except Odenburg (Sopron).	
435	Czechoslovakia	Czecho
	Including Bohemia, Slovakia, Moravia, Austrian Silesia.	
437	Hungary	Hungary
	Including the old Kingdom of Hungary, except Croatia, Slavonia, Slovakia, and Transylvania, and including Sopron (Odenburg).	
441	Switzerland	Switzld
	Including Liechtenstein.	
	Northeastern Area:	
445	Finland	Finland
	Including the Aland Islands.	
447	Estonia	Estonia
	Including the former Russian Government of Estland, the northern part of Livonia, the northwestern portion of the Pskoff Government, part of the Gdov district of the Petrograd Government, and adjacent islands in the Baltic Sea.	
449	Latvia	Latvia
	Including parts of the former Imperial Russian Provinces of Courland, Livonia, and Vitebsk.	
451	Lithuania	Lithuan
	Including parts of the former Imperial Russian Provinces of Vilna (Vilnius), Grodno (Gardinus), Suvalki, and Courland, the whole of the former Russian Province of Kaunas (Kovno), and Memel.	
455	Poland and Danzig	Poland
	Including parts of the former Imperial Russian Provinces of Grodno, Vilna, Minsk, Podolia, and Volhynia; parts of East Prussia, West Prussia, Posen, and Upper Silesia formerly belonging to the German Empire; and all of former Austrian Galicia; that area directly east of the Oder-Neisse line under the Provisional Administration of Poland; and that part of East Prussia under the Provisional Administration of Poland.	
461	Union of Soviet Socialist Republics	USSR
	(In Europe and Asia) including former Imperial Russia, except Estonia, Latvia, Lithuania, Finland, Poland, and parts of Batum, Kars, and Eripan of Caucasia; including Carpathian Ruthenia; including that part of East Prussia under the Provisional Administration of USSR; including Tannu Tuva under USSR administration; and including Sakhalin Island and the Kurile Islands under USSR administration.	
	Southwestern Area:	
467	Azores (Portuguese)	Azores
469	Spain (including the Balearic Islands)	Spain
471	Portugal	Portugl
472	Gibralter (British)	Gibralt
473	Malta and Gozo[6]	Malta
475	Italy	Italy
	Including Sicily, Sardinia, Elba, Pantelleria, Lampedusa, the former Austrian lands of Venezia Tridentina (Trentino and Alto Adige), part of Venezia Giulia, Gorizia, San Marino, and Vatican City. (See 476 and 479.)	
476	Free Territory of Trieste	Triest
	Including part of Istria.	
	Southeastern Area:	
479	Yugoslavia	Yugoslv
	Including former Serbia, Montenegro, the former Austro-Hungarian Provinces of Carniola, and parts of adjoining Provinces (Slovenia) Croatia, Dalmatia, Bosnia, Slavonia, Hercegovina, part of Banat, the country of Bachka, and part of the Province of Baranya, part of Venezia Giulia, part of Istria, Rijeka (Fiume), the Commune of Zara, and the island of Lagosta.	
481	Albania	Albania
	Including the Province of Scutari and parts of Kosova and Monastir.	
484	Greece	Greece
	Including Epirus, Macedonia and western Thrace (acquired from Turkey), Euboea, Crete, the Ionian Islands, and the Grecian Archipelago, with the Aegean Islands of Lemnos, Samothrace, Chios, Samos, Mitylene, and the Dodecanese (including Rhodes Island).	
485	Rumania	Rumania
	Including Bessarabia, Transylvania, Bukovina, and parts of Crisana, Maramuresh, and Banat.	

See footnotes at end of table.

ANNEX B TO TARIFF SCHEDULES OF THE UNITED STATES—Continued

Schedule C—Classification of Country Designations Used in Compiling the United States Foreign Trade Statistics—Continued

Schedule C Code No.	Foreign trade statistics country designations with countries, adjacent provinces, territories, islands and other areas included under the foreign trade statistics country designation	Abbreviated country designations[1] frequently shown in FT reports
	EUROPE—Continued	
487	Bulgaria	Bulgar
489	Turkey (in Europe and Asia)[3]	Turkey
	Including eastern Thrace between the Maritza River and the Black Sea, including Istanbul (Constantinople) and Adrianople; including Asia Minor (including the vilayets of Izmir, Kars, Ardahan, and Kurdistan), and the Imbros (Imbroz Adasi), Tenedos Island (Bazca Ada), and the Rabbit Islands (Tarsam Adalari).	
491	Cyprus[8]	Cyprus
	ASIA	
	Western Area:	
502	Syrian Arab Republic[5]	Syria
	Including Latakia.	
504	Lebanon	Lebanon
505	Iraq (Mesopotamia)	Iraq
	Former British mandate, including Mosul.	
507	Iran (Persia)	Iran
508	Israel[4]	Israel
510	Palestine[4]	Palest
511	Jordan[3]	Jordan
	Arabia Peninsula States:	
513	Kuwait	Kuwait
517	Saudi Arabia	S Arab
519	Arabia Peninsula States, n.e.c.	Arabia
	Including Yemen, Sultanate of Muscat and Oman, Trucial Sheikhs, Qatar, and the neutral zone between Kuwait and Saudi Arabia.	
522	Aden (British)	Aden
	Including the islands of Perim, Kamaran, Socotra, and Kuria Muria; and the Aden Protectorate with the Hadhramaut.	
525	State of Bahrain	Bahrain
	Southern and Southeastern Area:	
531	Afghanistan[3]	Afghan
533	India	India
	Including former India, except the Provinces of Sind, North West Frontier, and Baluchistan, parts of the Provinces of Punjab and Bengal, and Princely States which have acceded to Pakistan; including the Andaman and Nicobar Islands and the Laccadive Islands, Chandernagore, Pondichérry,[7] Karikal,[7] Mahé,[7] and Yanaon,[7] (former French settlements) and the Princely States which have acceded to India; including Hyderabad, the Indian-occupied part of Jammu and Kashmir, and Sikkim; but excluding Nepal, Bhutan, and Goa,[8] Damoa[8] and Diu[8] (former Portuguese India) for which see 534, 536, and 569 (T.D. 51828; T.D. 51998).	
534	Goa, Damao, and Diu[8]	Goa
535	Pakistan	Pakistn
	Including Western Pakistan comprised of the former Provinces of Sind, North West Frontier, and Baluchistan, and part of Province of Punjab; Eastern Pakistan, consisting of part of former Province of Bengal; the Princely States which have acceded to Pakistan; and the Pakistan-occupied part of Jammu and Kashmir. (T.D. 51828; T.D. 51998).	
536	Nepal[3]	Nepal
542	Ceylon	Ceylon
	Including the Maldive Republic.[4]	
546	Burma	Burma
549	Thailand (Siam)[3]	Thailnd
552	Viet-Nam[8]	Viet Nm
553	Laos[8]	Laos
555	Cambodia[8]	Cambod
557	Federation of Malaya[9]	Fed Mal
	Consisting of the 11 Malay States including the former settlements of Penang and Malacca).	
559	State of Singapore; British Borneo[9]	Sngapor
	Including North Borneo, Brunei, and Sarawak); and Christmas Island in the Indian Ocean.	
561	Republic of Indonesia[4]	Indnsia
	Including Java and Madura; Sumatra; Bangka and Billiton (Belitung); the Riow Islands; Kalimantan (Indonesian Borneo); Sulawesi (Celebes); the Moluccas (including Halmahera and Ceram); the Lesser Sunda Islands (including Bali, Lombok, Sumbawa, Sumba, Flores, and Indonesian Timor); and the other islands in the archipelago belonging to Indonesia.	
565	Republic of the Philippines	Phil R
566	Macao (Macau)[10]	Macao
567	Southern and Southeastern Asia, n.e.c.[8]	So Asia
	Including Bhutan (for former French Settlements see India 533)[7], Netherlands New Guinea, and Portuguese Timor (for Macao, see 566).	
	Eastern Area:	
570	China, including Manchuria (excluding Outer Mongolia and Taiwan [Formosa])[11]	China
	Including Inner Mongolia; the Provinces of Tsinghai and Sikang; Sinkiang; Tibet; and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province), but excluding Outer Mongolia, for which see 574, and Taiwan (Formosa), for which see 583.	
574	Outer Mongolia[11]	Out Mon
579	North Korea[3]	No Kor
580	Korea, Republic of[3]	Kor Rep
582	Hong Kong	Hg Kong
	Including all of the colony of Hong Kong.	
583	Taiwan (Formosa)	Taiwan
	Including Pescadores.	

See footnotes at end of table.

ANNEX B TO TARIFF SCHEDULES OF THE UNITED STATES—Continued

Schedule C—Classification of Country Designations Used in Compiling the United States Foreign Trade Statistics—Continued

Schedule C Code No.	Foreign trade statistics country designations with countries, adjacent provinces, territories, islands and other areas included under the foreign trade statistics country designation	Abbreviated country designations* frequently shown in FT reports
	ASIA—Continued	
588	Japan[12]	Japan
	Including the 4 main islands of Honshu, Kyushu, Shikoku, and Hokkaido and islands adjacent thereto; the Izu Islands, the Tsushima Islands, and that portion of the Ryukyu Islands located north of 27° north latitude including the island of Yoron Jima and all other islands of the Amami group except the U.S. administered islands of Tori-Shima and Iheya-Shima, for which see code 590	
590	Nansei and Nanpo Islands, n.e.c.[12]	Nan Is
	Comprising islands under U.S. administration, namely: Nansei Islands (Nansei Shoto) south of 27° north latitude (that portion of the Ryukyu Islands located south of 27° north latitude, including Okinawa, and the Daito Islands); the islands of Tori-Shima and Iheya-Shima (located north of 27° north latitude but under U.S. administration); Nanpo Islands (Nanpo Shoto) south of Sofu Gan (the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island.	
	AUSTRALIA AND OCEANIA	
602	Australia	Austral
	Including Tasmania with Macquarie Island and Norfolk Island; and Cocos or Keeling Island.[5]	
604	New Guinea (Australian)	New Gui
	Including the Territory of Papua, and the Territory of New Guinea (trust territory under Australian administration) comprising Northeast New Guinea (former Kaiser Wilhelm's Land), Bismarck Archipelago (including Admiralty Islands), and Australian Solomon Islands with Bougainville, and Buka, and adjacent small islands.	
612	New Zealand and Western Samoa[4]	N Zeal
	Including Chatham, Kermadec, Antipodes, Bounty, Auckland, Union (Tokelau), Cook (Rarotonga), Three Kings, and Snares Islands, and other small islands in the South Pacific not specified.	
620	British Western Pacific Islands	BWP Is
	Including the New Hebrides, Fiji, Gilbert, Ellice, British Solomon, Tonga (Friendly) Islands, Phoenix Islands (except Canton and Enderbury Islands, for which see 941); Pitcairn, Henderson, and Ducie Islands; and also the island of Nauru (trust territory under Australian administration).	
641	French Pacific Islands	Fr P Is
	Including New Caledonia and dependencies, Isle of Pines and Walpole Island (Loyalty Islands); Society Islands with Tahiti and Raiatea; Rapa, Tuamotu (Low Archipelago), Tubuai (Austral), Marquesas and Gambier Islands; Wallis Archipelago, Clipperton Island (North Pacific), Futuna, Alofi, Huon, Chesterfield Islands and all other French possessions in Oceania.	
684	Trust Territory of the Pacific Islands[4]	T Pac I
	Comprising the Caroline, Marshall, and Marianas Islands (except Guam), under U.S. administration.	
	AFRICA	
	Northern Area:	
714	Morocco	Moroc
	Comprising former French Morocco; former Spanish Morocco (northern and southern zones); and Tangier, formerly the international (neutral) zone.[13]	
721	Algeria (French)	Algeria
723	Tunisia	Tunisia
725	Libya (Kingdom)[4]	Libya
	Including Tripolitania, Cyrenaica, and Fezzan.	
729	United Arab Republic (Egypt)	Egypt
732	Sudan[14]	Sudan
	Western Area:	
	Spanish Africa:	
733	Canary Islands (Spanish)	Cnry I
740	Spanish Africa, n.e.c	Sp Af O
	(Comprising Ifni; Spanish Sahara, Rio Muni and Fernando Po, together with Annobon, Corisco, and Elobey Islands; and Ceuta, Melilla, Alhucemas, Chafarinas, and Penon de Velez.)[12]	
	Western Equatorial Africa:	
742	Federal Republic of Cameroon[4]	Camroon
743	Western Equatorial Africa, n.e.c.[15]	Oweq Af
	Including Gabon, Congo, Central African Republic and Chad.	
745	Western Africa, n.e.c.[15]	O WAf
	Including Togo, Guinea, Mali, Senegal, Ivory Coast, Dahomey, Upper Volta, Mauritania, and Niger.	
749	Ghana	Ghana
	(Comprising former Gold Coast; Ashanti, Northern Territories, and Togoland (former trust territory under British administration.) [16]	
753	Federation of Nigeria (including the former Northern British Cameroons)[4]	Nigeria
758	British West Africa and Sierra Leone[4]	O BW Af
	Including St. Helena and dependencies, the islands of Ascension, Gough, Inaccessible, Nightingale, and Tristan da Cunha; and Gambia.	
	Western Portuguese Africa:	
759	Madeira Islands	Madeira
762	Angola (including Cabinda)	Angola
764	Western Portuguese Africa, n.e.c	O PW Af
	Including Cape Verde Islands, Portuguese Guinea (with the Bassagos Islands) and the islands of Sao Tome (St. Thomas) and Principe.	
765	Liberia	Liberia
767	Republic of the Congo and Ruanda-Urundi (trust territory under Belgian administration)[15]	Rep Con

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See footnotes at end of table.

ANNEX B TO TARIFF SCHEDULES OF THE UNITED STATES—Continued

Schedule C—Classification of Country Designations Used in Compiling the United States Foreign Trade Statistics—Continued

Schedule C Code No.	Foreign trade statistics country designations with countries, adjacent provinces, territories, islands and other areas included under the foreign trade statistics country designation	Abbreviated country designations* frequently shown in FT reports
	AFRICA—Continued	
	Eastern Area:	
770	Somali Republic[15] (Includes former trust territory of Somaliland under Italian administration, or Somalia; and former British Somaliland.)	Som Rep
774	Ethiopia (Abyssinia) Including Eritrea, federated with Ethiopia.	Ethiop
777	French Somaliland Including the Musha Islands.	Fr Soml
782	Seychelles and Dependencies (British) Including 92 islands and islets among which Seychelles are the most important; others are the Amirantes, the Aldabra and Farquhar Islands.	Seychel
784	Mauritius and dependencies (British) Including the islands Mauritius, Rodriguez, and the Chagos Archipelago with Diego Garcia Island.	Maurit
785	British East Africa and Tanganyika[4] Including Kenya Colony and Protectorate; Uganda Protectorate; the Islands of Zanzibar and Pemba. (For Nyasaland, see 795.)[17]	Br E Af
787	Mozambique (Portuguese)	Mozambq
789	Malagasy Republic (formerly Madagascar)[15] Including Ste. Marie, the Glorious Islands, Nosy-Be (Nossi-Be), Bassas de India; the Comoro Islands; Reunion; and St. Paul, Amsterdam and the Kerguelen Islands.	Malagas
	Southern Area:	
792	Republic of South Africa[5] Including South-West Africa, and British High Commission territories of Bechuanaland, Basutoland, and Swaziland (former Southern British Africa).[6]	Rep SAf
795	The Federation of Rhodesia and Nyasaland Including Northern Rhodesia, Southern Rhodesia, and Nyasaland.[17]	Rhod Ny
	PUERTO RICO AND U.S. POSSESSIONS	
903	Puerto Rico	
911	Virgin Islands of the United States	
931	Midway Island	
933	Wake Island	
935	Guam Island	
941	Canton and Enderbury Islands	
951	American Samoa Tutuila Island and dependencies.	

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*These country designations are for statistical purposes only and are not intended for use in conforming to the marking provisions shown in section 304 of the Tariff Act of 1930. The country designations in schedule C should be shown in all cases where statistical information is required (e.g., on export declarations, import entries, and import invoices) unless a more specific area is required to be shown for other purposes.

[1] Effective Apr. 1, 1949.
[2] Effective Jan. 1, 1950.
[3] Effective Jan. 1, 1952.
[4] Effective Jan. 1, 1954.
[5] Effective July 1, 1958.
[6] Effective Jan. 1, 1962.
[7] Effective Jan. 1, 1955.
[8] Effective July 1, 1962.
[9] Effective Jan. 1, 1958.
[10] Effective July 1, 1952.
[11] Effective Jan. 1, 1953.
[12] Effective Jan. 1, 1954. Clarification issued November 1962.
[13] Effective Jan. 1, 1957.
[14] Effective Jan. 1, 1956.
[15] Effective July 1, 1960.
[16] Effective Mar. 1, 1957.
[17] Effective July 1, 1954.

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St. Lucia Island	248
St. Martin Island (northern part)	283
St. Martin Island (southern part)	277
St. Pierre Islands	161
St. Vincent Island	248
Saintes, Iles des	283
Sakishima	588
Sakhalin Island under USSR administration	461
Sala-y-Gomez Island	337
Samoa, American	951
Samoa, Western	615
Samos Island	484
Samothráki Island	484
San Ambrosio Island	337
San Christobal Island	622
San Felix Island	337
Sandwich Islands, South	372
San Marino	475
Santa Isobel Island	622
Sao Tome	764
Sarawak	557
Sardinia	475
Saudi Arabia	517
Scilly Islands	412
Scotland	412
Senegal	744
Seychelles	780
Shetland Islands	412
Shetland Islands, South	372
Shikoku Island	588
Sicily	475
Sierra Leone	747
Singapore	559
Snares Island	614
Society Islands	641
Socotra Island	522
Solomon Islands, northern	604
Solomon Islands, southern	622
Somalia	770
Sombrero Island	248
South Africa, Republic of	791
South Georgia Island	372
South Orkney Islands	372
South Sandwich Islands	372
South Shetland Islands	372
South-West Africa	792
Spain	469
Spanish Africa, n.e.c	736
Spanish Sahara	736
Sri Lanka (Ceylon)	542
Starbuck Island	622
Sudan	732
Surinam	315
Svalbard	403
Swan Islands	215
Swaziland	795
Sweden	401
Switzerland	441
Syria	502
Tanzania	783
Tasmania Island	602
Thailand	549
Three Kings Island	614
Timor, Portuguese	568
Tobago Island	274
Togo	752
Tokelau Island	614
Tonga Islands	686
Tortola Island	248
Tortuga Island	245
Trinidad Island	274
Trinidade, Ilka da (in South Atlantic)	351
Tristan da Cunha Island	758
Trust Territory of the Pacific Islands	684
Tsinghai, Province of	570
Tuamotu Islands	641
Tunisia	723
Turkey	489
Turks Islands	243
Tutuila Island and Dependencies	951
Tuvalu	622
Uganda	778
Union of Soviet Socialist Republics	461
United Arab Emirates	520
United Kingdom of Great Britain and Northern Ireland	412
United States of America	100
Upper Volta	760
Uruguay	355
Vatican City	475
Venezuela	307
Vietnam	552
Virgin Gorda Island	248
Virgin Islands, British	248
Virgin Islands of the United States	911
Volcano Islands	588
Vostock Island	622
Wake Island	933
Wales	412
Wallis Archipelago	641
Walpole Island	641
Washington Island (in the Line Islands)	622
West Germany	428
West Indies, French	283
Western Samoa	615
Western Sectors of Berlin	428
Wight Isle	412
Yemen (Aden)	522
Yemen (Sana)	521
Yugoslavia	479
Zaire	766
Zambia	794

INTERNATIONAL AIRPORTS OF ENTRY

PART 6—AIR COMMERCE REGULATIONS[1]

As amended to April 1, 1976

Location	*Name*
Akron, Ohio	Municipal Airport.
Albany, N. Y	Municipal Field.
Baudette, Minn	Baudette International Airport.
Bellingham, Wash.	Bellingham Airport.
Brownsville, Tex	Rio Grande Valley International Airport.
Burlington, Vt	Burlington Municipal Airport.
Calexico, Calif	Calexico Municipal Airport.
Caribou, Maine	Caribou Municipal Airport.
Chicago, Ill	Chicago Midway Airport.
Cleveland, Ohio	Cleveland Hopkins Airport.
Cut Bank, Mont	Cut Bank Airport.
Del Rio, Tex	Del Rio International Airport.
Detroit, Mich	Detroit Municipal Airport and Detroit Metropolitan Wayne County Airport.
Douglas, Ariz	Bisbee-Douglas Airport.
Duluth, Minn	Duluth International Airport and Sky Harbor Airport.
Eagle Pass, Tex	Eagle Pass Airport.
El Paso, Tex	El Paso International Airport.
Fort Lauderdale, Fla	Fort Lauderdale-Hollywood International Airport.
Friday Harbor, Wash	Friday Harbor.
Grand Forks, N. Dak	Grand Forks Municipal Airport.
Great Falls, Mont	Great Falls International Airport.
Havre, Mont	Havre-Hill County Airport.
Houlton, Maine	Houlton Municipal Airport.
International Falls, Minn.	Falls International Airport.
Juneau, Alaska	Juneau Airport (seaplane base only) and Juneau Municipal Airport.
Ketchikan, Alaska	Ketchikan Airport (seaplane base only).
Key West, Fla	Meacham Field.
Laredo, Tex	Laredo Municipal Airport.
Massena, N. Y	Massena Airport.
McAllen, Tex	Miller International Airport.
Miami, Fla	Chalks Flying Service Seaplane Base and Miami International Airport.
Minot, N. Dak	Minot International Airport.
Nogales, Ariz	Nogales International Airport.
Ogdensburg, N. Y	Ogdensburg Harbor and Ogdensburg Municipal Airport.
Oroville, Wash	Dorothy Scott Municipal Airport and Dorothy Scott Seaplane Base.
Pembina, N. Dak	Fort Pembina Airport.
Portal, N. Dak	Portal Airport.
Port Huron, Mich	St. Clair County Airport.
Port Towsend, Wash	Port Townsend Airport.
Ranier, Minn	International Seaplane Base.
Rochester, N. Y	Rochester Municipal Airport.
Rouses Point, N. Y	Rouses Point Seaplane Base.
San Diego, Calif	San Diego Municipal Airport (Lindbergh Field).
Sandusky, Ohio	John G. Hinde Airport.
Sault Ste. Marie, Mich	Sault Ste. Marie Airport.
Seattle, Wash	Boeing Municipal Air Field and Lake Union.
Spokane, Wash	Felts Field.
Tampa, Fla	Tampa International Airport.
Tucson, Ariz	Tucson International Airport.
Watertown, N. Y	Watertown Municipal Airport.
West Palm Beach, Fla	Palm Beach International Airport.
Williston, N. Dak	Sioulin Field (Municipal).
Wrangell, Alaska	Wrangell Seaplane Base.
Yuma, Ariz	Yuma International Airport.

§ 3. Superintendence of collection of import duties

The Secretary of the Treasury shall direct the superintendence of the collection of the duties on imports as he shall judge best.

(R.S. § 249.)

Codification

R.S. § 249 is from act May 8, 1792, ch. 37, § 6, 1 Stat. 280.

This section, prior to its incorporation into the Code, contained the words "and tonnage" following the words "duties on imports." These words were omitted as superseded by section 3 of Title 46, Shipping, which charged the Chief of the Bureau of Navigation and Steamboat Inspection (now Commissioner of Customs) with the execution of the laws relating to the collection of the tonnage tax, and section 1511 of Title 15, Commerce and Trade, and former section 600 of Title 5, Government Organization and Employees.

Cross References

Instructions of Secretary of Treasury and conclusiveness of decisions on customs officers, see section 1502 of this title.

Reversal or modification of rulings or decisions by Secretary, restrictions on, see section 1502 of this title.

§ 4. Omitted

Codification

Section, act Mar. 4, 1923, ch. 251, § 1, 42 Stat. 1453, related to the appointment, compensation and qualifications of the director and assistant directors of customs, and is now covered by sections 2071 to 2073 of this title.

§§ 5, 5a. Repealed. Pub. L. 91-271, title III, § 321(a), (b), June 2, 1970, 84 Stat. 293

Section 5, R.S. § 2613, act Sept. 21, 1922, ch. 356, title IV, § 523, 42 Stat. 974, provided that collectors, comptrollers, and surveyors be appointed for four year terms.

Section 5a, act July 5, 1932, ch. 430, title I, § 1, 47 Stat. 584, abolished, except at the Port of New York, the offices of surveyor and appraiser, and those of their assistants and deputies, and transferred the duties of such officers to such persons as designated by the Secretary of the Treasury.

Effective Date of Repeal

Repeal to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 6. Designation of customs officers for foreign service; status; rejection of designated customs officer; applicability of civil service laws

Any officer of the customs service designated by the Secretary of the Treasury for foreign service, shall, through the Department of State, be regularly and officially attached to the diplomatic missions of the United States in the countries in which they are to be stationed, and when such officers are assigned to countries in which there are no diplomatic missions of the United States, appropriate recognition and standing with full facilities for discharging their official duties shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer whose assignment to the foreign post for which he has been designated would, in his judgment, be prejudicial to the public policy of the United States. The appointment of such customs officers shall be made pursuant to the civil service laws and regulations upon the nomination of the principal officer in charge of the office to which such appointments are to be made.

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[1] Part 6 refers to Code of Federal Regulations, Title 19, Customs Duties, Chap. I, Bureau of Customs. This list of international airports of entry is from section 13 of Part 6.

(Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453; Jan. 13, 1925, ch. 76, 43 Stat. 748; May 28, 1926, ch. 411, § 1, 44 Stat. 669; June 17, 1930, ch. 497, title IV, §§ 518, 649, 46 Stat. 737, 762; June 25, 1948, ch. 646, § 39, 62 Stat. 992; June 2, 1970, Pub. L. 91-271, title III, § 303, 84 Stat. 292.)

REFERENCES IN TEXT

The civil service laws, referred to in the text are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

AMENDMENTS

1970—Pub. L. 91-271 struck out the provisions authorizing the Secretary of the Treasury to appoint, prescribe designations and duties, and fix the compensation of deputies and other customs officers, laborers, and other employees.

1948—Act June 25, 1948, struck out fourth sentence relating to appointment and compensation of clerks of Customs Court.

1930—Act June 17, 1930, § 518 authorized the Secretary of the Treasury to appoint and fix the compensation of the clerks of the United States Customs Court.

Act June 17, 1930, § 649 substituted "Treasury attaches" for "Customs attaches" in text.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment of this section shall be effective as of Sept. 1, 1948.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out as a note under section 1 of this title.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26. §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Extra pay for overtime services in connection with vessels, see section 382b of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 52 of this title.

§§ 6a to 6d. Repealed. Sept. 3, 1954, ch. 1263, § 13(b), 68 Stat. 1231

Sections, act May 29, 1928, ch. 865, §§ 1 to 4, 45 Stat. 955, related to compensation and are now covered by sections 5101 et seq. and 5301 et seq. of Title 5, Government Organization and Employees.

Act Dec. 12, 1930, ch. 10, 46 Stat. 1026, formerly set out in the credit to these sections, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648.

§ 6e. Overtime compensation based on standard or daylight saving time

On and after June 30, 1949, overtime compensation of customs officers and employees, as authorized by law, shall be based either on standard or daylight saving time, whichever is observed where the overtime services are performed.

(June 30, 1949, ch. 286, title I, § 101, 63 Stat. 360.)

§§ 7 to 11. Repealed. Pub. L. 91-271, title III, § 321(c)-(g), June 2, 1970, 84 Stat. 293

Section 7, act Mar. 4, 1923, ch. 251, § 3, 42 Stat. 1453, authorized collectors, comptrollers, surveyors, and appraisers to appoint assistants, and the collector at New York to appoint a solicitor to the collector, all such appointments subject to the approval of the Secretary of the Treasury.

Section 8, R.S. § 2629; acts Mar. 3, 1905, ch. 1413, § 1, 33 Stat. 983; Mar. 4, 1923, ch. 251, § 4, 42 Stat. 1453, set forth the procedure for filling a vacancy in the office of a collector, comptroller, surveyor, or appraiser.

Section 9, R.S. § 2625, act Mar. 4, 1923, ch. 251, § 3, 42 Stat. 1453, provided for the performance of the collector's duties in case of his disability.

Section 10, R.S. § 2630; acts Mar. 4, 1923, ch. 251, §§ 2, 3, 42 Stat. 1453, Jan. 13, 1925, ch. 76, 43 Stat. 748, provided that in cases of occasional and necessary absence, or of sickness, any collector could exercise his powers and perform his duties by deputy.

Section 11, R.S. § 2632; act June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740, provided that in cases of occasional and necessary absence, or of sickness, every comptroller and surveyor could, respectively, exercise and perform his functions, powers, and duties by deputy.

EFFECTIVE DATE OF REPEAL

Repeal to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§§ 12 to 18. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(1)-(7), 70 Stat. 947

Sections 12 to 15 provided for appointment by the Secretary of the Treasury of 30 special agents for the purposes of checking the accounts of collectors and other customs officers for the prevention of frauds, authorized regulations for the limitations on their number and compensation and authorized appointment of special agents to reside in foreign territory. Customs agents who perform functions formerly exercised by special agents are covered generally by section 2072 of this title.

Section 12 was based on R.S. § 2649.

Section 13 was based on acts Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1393; Mar. 4, 1923, ch. 251, §§ 1, 2, 5, 7, 42 Stat. 1453, 1454; Mar. 3, 1927, ch. 348, § 3, 44 Stat. 1382.

Section 14 was based on R.S. § 2651.

Section 15 was based on R.S. § 2999.

Section 16, R.S. 2940, acts Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453; Jan. 13, 1925, ch. 76, 43 Stat. 748; prescribed qualifications and special oath for the customs appraiser at New York.

Section 17, R.S. § 2941, prohibited only the employees in the office of the appraiser at New York from engaging or being employed in any commercial activity.

Section 18, R.S. § 2942, related to duties of the appraiser and assistant appraiser at New York.

§§ 19, 20. Repealed. Pub. L. 89–554, 8(a), Sept. 6, 1966, 80 Stat. 646

Section 19, act Feb. 9, 1925, ch. 167, 43 Stat. 819, related to the appraiser of merchandise at Baltimore.

Section 20, act Feb. 21, 1925, ch. 278, § 1, 43 Stat. 957, related to the office of the appraiser of merchandise at Portland, Oregon.

§§ 21 to 24. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(8) to (11), (13), 70 Stat. 947

Sections 21 to 23 prescribed oath of office for customs officers and assistant appraisers.

Section 24 related to designation of persons to administer oath of office.

Section 21 was based on R.S. § 2616.

Section 22 was based on R.S. § 2614; act July 5, 1932, ch. 430, Title 1, § 1, 47 Stat. 584.

Section 23 was based on R.S. § 2615; July 5, 1932, ch. 430, Title 1, § 1, 47 Stat. 584.

Section 24 was based on R.S. § 2617; act Feb. 8, 1875, ch. 36, § 11, 18 Stat. 309.

§§ 26 to 28. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(12) to (14), 70 Stat. 947

Section 26, R.S. § 2611; act Feb. 8, 1875, ch. 36, § 11, 18 Stat. 309; related to oath by special examiners of drugs. Functions formerly exercised by the special examiner of drugs are covered by section 381 of Title 21, Food and Drugs.

Section 27, acts Feb. 8, 1875, ch. 36, § 11, 18 Stat. 309; Mar. 2, 1895, ch. 177, § 5, 28 Stat. 807; related to oaths by subordinate customs officers.

Section 28, act Sept. 24, 1914, ch. 309, 38 Stat. 716, provided that headquarters of customs district of Florida should be at Tampa. Section 2 of this title vests authority in the President to change from time to time the location of headquarters of customs collection district and such authority was delegated to the Secretary of the Treasury by section 1 (a) of Executive Order 10289 of September 17, 1951, set out as a note under section 301 of Title 3, The President.

§ 29. Repealed. Aug. 26, 1935, ch. 689, § 2, 49 Stat. 864

Section, act Mar. 15, 1898, ch. 68, § 1, 30 Stat. 286, as supplemented by acts Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; Mar. 4, 1923, ch. 251, § 3, 42 Stat. 1453, related to the administration of oaths by collectors and assistants.

Act Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561, also repealed act Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800, formerly credited to this section.

§ 30. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(34), 70 Stat. 948

Section, act Sept. 30, 1890, ch. 1126, § 1, 26 Stat. 511, related to administration of oaths by clerks and inspectors of customs.

§ 30a. Repealed. June 17, 1930, ch. 497, § 651(a)(3), 46 Stat. 762, eff. June 18, 1930

Section, Res. Apr. 2, 1928, ch. 309, 45 Stat. 401, related to the administration of oaths by officers and employees of customs service.

§§ 31, 32. Repealed. Pub. L. 92–310, title II, § 226, June 6, 1972, 86 Stat. 206

Section 31, R.S. §§ 2619, 2620; Pub. L. 91–271, title III, § 304, June 2, 1970, 84 Stat. 292, related to bonds of customs officers.

Section 32, R.S. § 2620; Pub. L. 91–271, title III, § 305, June 2, 1970, 84 Stat. 292, related to the amounts, conditions for filing and procedures for approval of bonds required of customs officers.

§§ 33 to 35. Repealed. Aug. 8, 1953, ch. 397, § 2(a), 67 Stat. 507

Sections, R.S. §§ 2621 to 2623, prescribed various duties of the collectors of customs at each of the ports (1) where collectors, comptrollers and surveyors were appointed: (2) where only collectors and surveyors were appointed; and (3) where only collectors were appointed. The provisions of such sections, in so far as they related to accounting duties, are covered generally in section 1 et seq., of Title 31, Money and Finance.

Effective Date of Repeal; Saving Clause

Repeal of these sections effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see sections 1 and 23 of act Aug. 8, 1953.

§§ 36, 37. Repealed. Pub. L. 91–271, title III, § 321(h), (i), June 2, 1970, 84 Stat. 293

Section 36, acts Feb. 6, 1907, ch. 471, 34 Stat. 880; Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453; Jan. 13, 1925, ch. 76, 43 Stat. 748, enumerated the duties of deputy collectors.

Section 37, R.S. § 2633, authorized the Secretary of the Treasury to clothe any deputy director at a port other than the district headquarters with all the powers of his principal appertaining to official acts.

Effective Date of Repeal

Repeal to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91–271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 38. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, § 523, 42 Stat. 974, related to powers and duties of comptrollers of customs. See section 1523 of this title.

§ 39. Repealed. Aug. 8, 1953, ch. 397, § 2(a), 67 Stat. 507

Section, R.S. § 2626, prescribed certain duties of the comptrollers of customs at each of the ports where collectors, comptrollers and surveyors were appointed. The provisions of such section, in so far as it related to accounting duties, is covered generally in chapters 1 et seq., of Title 31, Money and Finance.

Effective Date of Repeal; Saving Clause

Repeal of section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see sections 1 and 23 of act Aug. 8, 1953.

§ 40. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(15), 70 Stat. 947

Section, R.S. § 2627, act June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740, related to duties of the surveyor of customs. Section 5a of this title abolished the offices of surveyor of customs at all ports except New York.

§ 41. Repealed. Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1349

Section, R.S. § 2628, prescribed the duties of surveyors where only surveyors were appointed.

§§ 42 to 45. Repealed. Aug. 8, 1953, ch. 397, § 2(a), 67 Stat. 507

Sections, R.S. §§ 2639 to 2641, 2643, related to various accounting duties of collectors, comptrollers, and surveyors of customs. Those provisions are covered generally in chapters 1 et seq., of Title 31, Money and Finance.

Section 42 was amended by act July 31, 1894, ch. 174, § 19, 28 Stat. 210.

EFFECTIVE DATE OF REPEAL; SAVING CLAUSE

Repeal of these sections effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see sections 1 and 23 of act Aug. 8, 1953.

§§ 46, 47. Repealed. Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1349

Sections, R.S. §§ 2644 and 2645, respectively, related to rendition of monthly and quarterly estimates and accounts of certain collectors.

§ 48. Repealed. Aug. 2, 1946, ch. 744, § 2, 60 Stat. 807, eff. Nov. 1, 1946

Section, acts Mar. 4, 1923, ch. 251, § 5, 42 Stat. 1454; June 17, 1930, ch. 497, title IV, § 645(b), 46 Stat. 761, related to traveling and subsistence expenses of customs officers and employees in foreign countries and is now covered by section 5724 of Title 5, Government Organization and Employees.

§ 49. Repealed. Aug. 26, 1935, ch. 689, § 1, 49 Stat. 864

Section, R.S. § 1790, related to restriction on payment for services of officers or other persons in customs service.

§§ 50, 51. Repealed. Pub. L. 89-554, 8(a), Sept. 6, 1966, 80 Stat. 642, 645, 650

Section 50, acts Aug. 24, 1912, ch. 355, § 8, 37 Stat. 487; June 6, 1939, ch. 185, 53 Stat. 810, authorized the collectors of customs to administer oaths to expense accounts.

Section 51, act Mar. 4, 1923, ch. 251, § 7, 42 Stat. 1454, provided limitations on compensation.

ADDITIONAL REPEAL

Section 51 was additionally repealed by Pub. L. 91-271, title III, § 321(j), June 2, 1970, 84 Stat. 293.

§ 52. Payment of compensation and expenses

The compensation of all customs officers and employees provided for by sections 6, 7, 8, 13, and 51 of this title, and the expenses authorized by section 48 of this title, shall be paid from the appropriation for the collection of the revenue from customs.

(Mar. 4, 1923, ch. 251, § 6, 42 Stat. 1454; Mar. 3, 1927, ch. 348, § 3, 44 Stat. 1382.)

REFERENCES IN TEXT

Sections 7 and 8 of this title, referred to in text, were repealed by Pub. L. 91-271, title III, § 321(c), (d), June 2, 1970, 84 Stat. 293.

Section 13 of this title, referred to in the text, was repealed by act Aug. 2, 1956, ch. 887, § 4(a)(2), 70 Stat. 947.

Section 48 of this title, referred to in the text, was repealed by act Aug. 2, 1946, ch. 744, § 2, 60 Stat. 807, eff. Nov. 1, 1946, and is now covered by section 5724 of Title 5, Government Organization and Employees.

Section 51 of this title, referred to in the text, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 645. See, also, Additional Repeal note set out thereunder.

AMENDMENTS

1927—Act Mar. 3, 1927 abolished the offices of Director and Assistant Director of Customs.

§§ 53 to 57. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(16) to (20), 70 Stat. 947

Section 53, R.S. § 2687, provided for apportionment of compensation according to time served and is covered generally by sections 5504 and 6101 of Title 5, Government Organization and Employees.

Section 54, R.S. § 2646, related to books to be furnished to collectors and other officers and is now covered by section 481 of Title 40, Public Buildings, Property, and Works.

Section 55, R.S. § 2647; acts Aug. 24, 1912, ch. 355, § 1, 37 Stat. 434; June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740; provided that collectors of customs, and comptrollers and surveyors performing the functions of collectors, should render quarterly accounts to the Secretary of the Treasury of fines collected, moneys received as rents, etc.

Section 56, R.S. § 2944, related to additional hours of service at public stores in New York.

Section 57, R.S. § 2648; act Aug. 24, 1912, ch. 355, § 1, 37 Stat. 434; related to sale of blanks by collectors and surveyors.

§ 58. Fees of customs officers

Customs officers shall charge and collect the following fees:

First. For every entrance of any vessel of one hundred tons burden and upward, $2.50

Second. For every clearance of any vessel of one hundred tons burden and upward, $2.50.

Third. For every entrance of any vessel under the burden of one hundred tons, $1.50.

Fourth. For every clearance of any vessel under one hundred tons burden, $1.50.

Fifth. For every post entry, $2.

Sixth. For every permit to land goods, 20 cents.

Seventh. For every bond taken officially, 40 cents.

Eighth. For every permit to load goods for exportation, which are entitled to drawback, 30 cents.

Ninth. For every debenture or other official certificate, 20 cents.

Tenth. For every bill of health other than a bill of health furnished a vessel of the United States, 20 cents.

Eleventh. For every official document, registers excepted, required by any merchant, owner, or master of any vessel not elsewhere enumerated, and for which fees are not prohibited by section 331 of Title 46, Shipping, 20 cents.

(R.S. § 2654; Aug. 24, 1912, ch. 355, § 1, 37 Stat. 434; June 2, 1970, Pub. L. 91-271, title III, § 307, 84 Stat. 292.)

CODIFICATION

R.S. § 2654 is from acts Mar. 2, 1799, ch. 23, § 2, 1 Stat. 706; June 17, 1864, ch. 130, § 3, 13 Stat. 134.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to customs officers for reference to collectors.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out as a note under section 1 of this title.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees.

§ 59. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(21), 70 Stat. 947

Section, R.S. § 2635; act June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740, required posting of a table of fees.

§ 60. Penalty for extortion

Every officer of the customs who demands or receives any other or greater fee, compensation, or reward than is allowed by law, for performing any duty or service required from him by law, shall be liable to a penalty of $200 for each offense, recoverable to the use of the party aggrieved.

(R.S. § 2636.)

CODIFICATION

R.S. § 2636 is from act Mar. 2, 1799, ch. 22, § 73, 1 Stat. 680.

§§ 61, 62. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(22), (23), 70 Stat. 947

Section 61, R.S. § 2580, related to reports by inspectors on routes by which goods withdrawn from bonded warehouse could be exported to Mexico.

Section 62, acts Dec. 18, 1890, ch. 22, 26 Stat. 690; June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740, related to suspension for neglect or delinquency of officers or employees, and is covered by sections 7512 and 7701 of Title 5, Government Organization and Employees, and Civil Service Commission regulations.

§ 63. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 636

Section, act Aug. 28, 1890, ch. 812, §§ 1, 2, 26 Stat. 362, provided for leaves of absence of officers and employees in the customs service who receive per diem compensation.

Section was additionally repealed by Pub. L. 91-271, title III, § 321(k), June 2, 1970, 84 Stat. 293.

§ 64. Laws imposing fines applicable to persons acting under customs laws

All Acts and parts of Acts imposing fines, penalties, or other punishment for offenses committed by an internal revenue officer or other officer of the Department of the Treasury of the United States, or under any bureau thereof, shall apply to all persons whomsoever, employed, appointed, or acting under the authority of any customs law, or any revenue provision of any law of the United States, when such persons are designated or acting as officers or deputies, or persons having the custody or disposition of any public money.

(Feb. 8, 1875, ch. 36, § 23, 18 Stat. 312.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

CODIFICATION

Provisions of this section were incorporated as section 4048 of Title 26, Internal Revenue Code of 1939. Section 4048 was repealed by section 7851 of Title 26, Internal Revenue Code of 1954, and is now covered by section 7344 of Title 26, Internal Revenue Code.

§ 66. Rules and forms prescribed by Secretary

The Secretary of the Treasury shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations not inconsistent with law, to be used in carrying out the provisions of law relating to raising reveue from imports, or to duties on imports, or to warehousing, and shall give such directions to customs officers and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law.

(R.S. § 251; June 2, 1970, Pub. L. 91-271, title III, § 308, 84 Stat. 292.)

CODIFICATION

R.S. § 251 is from Feb. 10, 1830, ch. 11, §§ 14, 15, 3 Stat. 543; Aug. 6, 1846, ch. 84, § 5, 9 Stat. 55; May 14, 1856, Res. 9, 11 Stat. 144; June 30, 1864, ch. 172, § 8, 13 Stat. 221; July 14, 1870, ch. 255, § 34, 16 Stat. 271.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to customs officers for reference to collectors.

EFFECTIVE DATE OF 1970 AMENDMENTS

Amendment to take effect with respect to articles entered, or withdrawn from warehouse for consumption on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out as a note under section 1 of this title. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees.

§ 67. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(24), 70 Stat. 947

Section, R.S. § 258, provided for a report to each session of Congress by the Secretary on customhouse business and is now covered by sections 1027, 1029, and 1030 of Title 31, Money and Finance.

§ 68. Enforcement of customs and immigration laws in Guam and the Virgin Islands and along Canadian and Mexican borders; cooperation by Secretary of Treasury and Attorney General; erection of buildings

To aid in the enforcement of the customs and immigration laws along the Canadian and Mexican borders and to provide better facilities for such enforcement at points along such borders at which no Federal or other buildings adapted or suitably located for the purpose are available, and for similar purposes in the Virgin Islands of the United States, the Secretary of the Treasury and the Attorney General are hereby authorized to expend, and for similar purposes in Guam the Attorney General is hereby authorized to expend, from the funds appropriated for the general maintenance and operation of the Customs and the Immigration and Naturalization Services, respectively, the necessary amounts for the acquisition of land and the erection of buildings, sheds, and office quarters, including living quarters for officers where none are otherwise available: *Provided*, That the total amount which may be so expended for any one project, including the site, shall not exceed $200,000 and that where the project is for the joint use of the Customs Service and the Immigration and Naturalization Service, the combined cost of the project, including the site, shall be charged to the two appropriations concerned.

(June 26, 1930, ch. 617, § 1, 46 Stat. 817; Oct. 10, 1940, ch. 837, 54 Stat. 1091; Sept. 26, 1951, ch. 414, 65 Stat. 336; May 18, 1956, ch. 282, 70 Stat. 159; May 13, 1960, Pub. L. 86-466, 74 Stat. 130; May 31, 1962, Pub. L. 87-465, 76 Stat. 87; July 24, 1965, Pub. L. 89-87, 79 Stat. 264; Aug. 29, 1974, Pub. L. 93-396, 88 Stat. 794.)

AMENDMENTS

1974—Pub. L. 93-396 substituted "$200,000" for "$100,000" in the proviso limiting the amount to be spent on any one project.

1965—Pub. L. 89-87 extended to Guam and the Virgin Islands the authority of the Attorney General and the Secretary of the Treasury to construct facilities for the enforcement of the customs and immigration laws.

1962—Pub. L. 87-465 increased the amounts authorized to be expended for the enforcement of the customs and immigration laws from $40,000 to $100,000, to be charged where project is for one service to its appropriation and from $80,000 to $100,000, to be charged to the appropriations for Customs Service and Immigration and Naturalization Service.

1960—Pub. L. 86-466 substituted "$40,000" and "$80,000" for "$30,000" and "$60,000", respectively.

1956—Act May 18, 1956, substituted "$30,000" and "$60,000" for "$15,000" and "$30,000" respectively.

1951—Act Sept. 26, 1951, substituted "$15,000" and "$30,000" for "$5,000" and "$10,000", respectively.

1940—Act Oct. 10, 1940, substituted "$5000" for "$3000" and "$10,000" for "$6000", respectively.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The Customs Service is under the Department of the Treasury.

Immigration and Naturalization Service of Department of Labor (including Office of Commissioner of Immigration and Naturalization) and its functions were transferred to Department of Justice, to be administered under direction and supervision of Attorney General; and functions and powers of Secretary of Labor relating to administration of the Service and its functions or to administration of immigration and naturalization laws were transferred to Attorney General, by Reorg. Plan No. V of 1940, eff. June 15, 1940, 5 F.R. 2223, 54 Stat. 1238, set out in the Appendix to title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 40 section 613.

§ 69. Erection of protective gates and fences across and around roads crossing borders

The Secretary of the Treasury is authorized to expend, from the funds appropriated for the general maintenance and operation of the Customs Service, such amounts as may be necessary for the erection of protective gates across international highways and roads crossing the Canadian and Mexican borders and for the erection of such fences in the immediate vicinity of such highways and roads as may be necessary to prevent unlawful entry or smuggling.

(June 26, 1930, ch. 617, § 2, as added Oct. 10, 1940, ch. 837, 54 Stat. 1092.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The Customs Service is under the Department of the Treasury.

All functions vested by law in the Attorney General, the Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States, were transferred to the Secretary of the Treasury by Reorg. Plan No. 2 of 1973, § 2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to title 5.

§ 70. Obstruction of revenue officers by masters of vessels

If the master of any vessel shall obstruct or hinder, or shall intentionally cause any obstruction or hindrance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue or navigation laws of the United States, he shall for every such offense be liable to a penalty of not more than $2,000 nor less than $500.

(R.S. § 3068; Aug. 5, 1935, ch. 438, title III, § 307, 49 Stat. 528.)

References in Text

The navigation laws, referred to in text, are classified generally to Title 33, Navigation and Navigable Waters.

Amendments

1935—Act Aug. 5, 1935, added the reference to the navigation laws, and increased the penalty from $500 and $50 to $2000 and $500 respectively.

CHAPTER 1A—FOREIGN TRADE ZONES

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§ 81a. Definitions

When used in this chapter—

(a) The term "Secretary" means the Secretary of Commerce;

(b) The term "Board" means the Board which is established to carry out the provisions of this chapter. The Board shall consist of the Secretary of Commerce, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, and the Secretary of the Army;

(c) The term "State" includes any State, the District of Columbia, Alaska, Hawaii, and Puerto Rico;

(d) The term "corporation" means a public corporation and a private corporation, as defined in this chapter;

(e) The term "public corporation" means a State, political subdivision thereof, a municipality, a public agency of a State, political subdivision thereof, or municipality, or a corporate municipal instrumentality of one or more States;

(f) The term "private corporation" means any corporation (other than a public corporation) which is organized for the purpose of establishing, operating, and maintaining a foreign-trade zone and which is chartered under special Act enacted after June 18, 1934, of the State or States within which it is to operate such zone;

(g) The term "applicant" means a corporation applying for the right to establish, operate, and maintain a foreign-trade zone;

(h) The term "grantee" means a corporation to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted;

(i) The term "zone" means a "foreign-trade zone" as provided in this chapter.

(June 18, 1934, ch. 590, § 1, 48 Stat. 998.)

Change of Name

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

Admission of Alaska and Hawaii to Statehood

Alaska was admitted into the Union on Jan. 3, 1959, upon the issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, upon the issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of title 48.

Secretary of the Air Force

For transfer of certain functions, insofar as they pertain to the Air Force, and to the extent that they were not previously transferred from the Secretary of the Army to the Secretary of the Air Force, see Secretary of Defense Transfer Order No. 40, July 22, 1949.

§ 81b. Establishment of zones

(a) Board authorization to grant zones

The Board is authorized, subject to the conditions and restrictions of this chapter and of the rules and regulations made thereunder, upon application as hereinafter provided, to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States.

(b) Number of zones per port of entry

Each port of entry shall be entitled to at least one zone, but when a port of entry is located within the confines of more than one State such port of entry shall be entitled to a zone in each of such States, and when two cities separated by water are embraced in one port of entry, a zone may be authorized in each of said cities or in territory adjacent thereto. Zones in addition to those to which a port of entry is entitled shall be authorized only if the Board finds that existing or authorized zones will not adequately serve the convenience of commerce.

(c) Preference to public corporations

In granting applications preference shall be given to public corporations.

(d) Ownership of harbor facilities by State

In case of any State in which harbor facilities of any port of entry are owned and controlled by the State and in which State harbor facilities of any other port of entry are owned and controlled by a municipality, the Board shall not grant an application by any public corporation for the establishment of any zone in such State, unless such application has been authorized by an Act of the legislature of such State (enacted after June 18, 1934).

(June 18, 1934, ch. 590, § 2, 48 Stat. 999.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 81i of this title.

§ 81c. Admission of foreign merchandise; treatment; shipment to customs territory; appraisal; reshipment to zone

Foreign and domestic merchandise of every description, except such as is prohibited by law, may, without being subject to the customs laws of the United States, except as otherwise provided in this chapter, be brought into a zone and may be stored, sold, exhibited, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign or domestic merchandise, or otherwise manipulated, or be manufactured except as otherwise provided in this chapter, and be exported, destroyed, or sent into customs territory of the United States therefrom, in the original package or otherwise; but when foreign merchandise is so sent from a zone into customs territory of the United States it shall be subject to the laws and regulations of the United States affecting imported merchandise: *Provided,* That whenever the privilege shall be requested and there has been no manipulation or manufacture effecting a change in tariff classification, the appropriate customs officer shall take under supervision any lot or part of a lot of foreign merchandise in a zone, cause it to be appraised and taxes determined and duties liquidated thereon. Merchandise so taken under supervision may be stored, manipulated, or manufactured under the supervision and regulations prescribed by the Secretary of the Treasury, and whether mixed or manufactured with domestic merchandise or not may, under regulations prescribed by the Secretary of the Treasury, be exported or destroyed, or may be sent into customs territory upon the payment of such liquidated duties and determined taxes thereon. If merchandise so taken under supervision has been manipulated or manufactured, such duties and taxes shall be payable on the quantity of such foreign merchandise used in the manipulation or manufacture of the entered article. Allowance shall be made for recoverable and irrecoverable waste; and if recoverable waste is sent into customs territory, it shall be dutiable and taxable in its condition and quantity and at its weight at the time of entry. Where two or more products result from the manipulation or manufacture of merchandise in a zone the liquidated duties and determined taxes shall be distributed to the several products in accordance with their relative value at the time of separation with due allowance for waste as provided for above: *Provided further,* That subject to such regulations respecting identity and the safeguarding of the revenue as the Secretary of the Treasury may deem necessary, articles, the growth, product, or manufacture of the United States, on which all internal-revenue taxes have been paid, if subject thereto, and articles previously imported on which duty and/or tax has been paid, or which have been admitted free of duty and tax, may be taken into a zone from the customs territory of the United States, placed under the supervision of the appropriate customs officer, and whether or not they have been combined with or made part, while in such zone, of other articles, may be brought back thereto free of quotas, duty, or tax: *Provided further,* That if in the opinion of the Secretary of the Treasury their identity has been lost, such articles not entitled to free entry by reason of noncompliance with the requirements made hereunder by the Secretary of the Treasury shall be treated when they reenter customs territory of the United States as foreign merchandise under the provisions of the tariff and internal-revenue laws in force at that time: *Provided further,* That under the rules and regulations of the controlling Federal agencies, articles which have been taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of—

(a) the draw-back, warehousing, and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and

(b) the statutes and bonds exacted for the payment of draw-back, refund, or exemption from liability for internal-revenue taxes and for the purposes of the internal-revenue laws generally and the regulations thereunder.

Such a transfer may also be considered an exportation for the purposes of other Federal laws insofar as Federal agencies charged with the enforcement of those laws deem it advisable. Such articles may not be returned to customs territory for domestic consumption except where the Foreign-Trade Zones Board deems such return to be in the public interest, in which event the articles shall be subject to the provisions of paragraph 1615(f) of section 1201 of this title: *Provided further,* That no operation involving any foreign or domestic merchandise brought into a zone which operation would be subject to any provision or provisions of section 1807 of title 26 and chapters 15 to 17, 21 to 26 or 32 of title 26, if performed in customs territory, or involving the manufacture of any article provided for in paragraphs 367 or 368 of section 1001 of this title, shall be permitted in a zone except those operations (other than rectification of distilled spirits and wines, or the manufacture or production of alcoholic products unfit for beverage purposes) which were permissible under this chapter prior to July 1, 1949: *Provided further,* That articles produced or manufactured in a zone and exported therefrom shall on subsequent importation into the customs territory of the United States be subject to the import laws applicable to like articles manufactured in a foreign country, except that articles produced or manufactured in a zone exclusively with the use of domestic merchandise, the identity of which has been maintained in accordance with the second proviso of this section may, on such importation, be entered as American goods returned.

(June 18, 1934, ch. 590, § 3, 48 Stat. 999; June 17, 1950, ch. 296, § 1, 64 Stat. 246; June 2, 1970, Pub. L. 91-271, title III, § 309, 84 Stat. 292.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

The Tariff Act of 1930, as amended, referred to in the text, is act June 17, 1930, ch. 497, 46 Stat. 590, which is classified generally to chapter 4 (§ 1202 et seq.) of this title. For complete classification of this Act to the Code, see Tables volume.

Sections 1001 and 1201 of this title, referred to in the text, which comprised the dutiable and free lists for articles imported into the United States, were stricken by Pub. L. 87-456, title I, § 101(a), May 24, 1962, 76 Stat. 72. The Revised Tariff Schedules are classified to section 1202 of this title.

References in text to section and chapters of Title 26 are references to section and chapters of the Internal Revenue Code, 1939, which was repealed by section 7851 of Title 26, I.R.C. 1954. Corresponding sections of I.R.C. 1954 to section and chapters of I.R.C. 1939 referred to in the text are set out below. For provision deeming a reference in other laws to a provision of I.R.C. 1939, also as a reference to corresponding provision of I.R.C. 1954, see section 7852(b) of Title 26, I.R.C. 1954.

I.R.C. 1939	*I.R.C. 1954*
§ 1807	Omitted
Chapter 15	§ 5701 et seq.
Chapter 16	§ 4591 et seq., § 4811 et seq.
Chapter 17	§ 4831 et seq.
Chapter 21	Omitted
Chapter 23	§ 4701 et seq.
Chapter 24	§ 4801 et seq.
Chapter 25	§§ 4181, 4182, and 5811 et seq.
Chapter 26	§ 5001 et seq.
Chapter 32	§ 4501 et seq.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officers for references to the collector of customs wherever appearing therein.

1950—Act June 17, 1950, amended section generally to remove the prohibition against, and to authorize specifically, manufacture and exhibition within a zone.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out as a note under section 1 of this title. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 sections 5003, 5009, 5214.

§ 81d. Customs officers and guards

The Secretary of the Treasury shall assign to the zone the necessary customs officers and guards to protect the revenue and to provide for the admission of foreign merchandise into customs territory.

(June 18, 1934, ch. 590, § 4, 48 Stat. 1000.)

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees.

§ 81e. Vessels entering or leaving zone; coastwise trade

Vessels entering or leaving a zone shall be subject to the operation of all the laws of the United States, except as otherwise provided in this chapter, and vessels leaving a zone and arriving in customs territory of the United States shall be subject to such regulations to protect the revenue as may be prescribed by the Secretary of the Treasury. Nothing in this chapter shall be construed in any manner so as to permit vessels under foreign flags to carry goods or merchandise shipped from one foreign trade zone to another zone or port in the protected coastwise trade of the United States.

(June 18, 1934, ch. 590, § 5, 48 Stat. 1000.)

§ 81f. Application for establishment of zone; expansion of zone

(a) Each application shall state in detail—

(1) The location and qualifications of the area in which it is proposed to establish a zone, showing (A) the land and water or land or water area or land area alone if the application is for its establishment in or adjacent to an interior port; (B) the means of segregation from customs territory; (C) the fitness of the area for a zone; and (D) the possibilities of expansion of the zone area;

(2) The facilities and appurtenances which it is proposed to provide and the preliminary plans and estimate of the cost thereof, and the existing facilities and appurtenances which it is proposed to utilize;

(3) The time within which the applicant proposes to commence and complete the construction of the zone and facilities and appurtenances;

(4) The methods proposed to finance the undertaking;

(5) Such other information as the Board may require.

(b) The Board may upon its own initiative or upon request permit the amendment of the application. Any expansion of the area of an established zone shall be made and approved in the same manner as an original application.

(June 18, 1934, ch. 590, § 6, 48 Stat. 1000.)

§ 81g. Granting of application

If the Board finds that the proposed plans and location are suitable for the accomplishment of the purpose of a foreign trade zone under this chapter, and that the facilities and appurtenances which it is proposed to provide are sufficient it shall make the grant.

(June 18, 1934, ch. 590, § 7, 48 Stat. 1000.)

§ 81h. Rules and regulations

The Board shall prescribe such rules and regulations not inconsistent with the provisions of this chapter or the rules and regulations of the Secretary of the Treasury made hereunder and as may be necessary to carry out this chapter.

(June 18, 1934, ch. 590, § 8, 48 Stat. 1000.)

§ 81i. Cooperation of Board with other agencies

The Board shall cooperate with the State, subdivision, and municipality in which the zone is located in the exercise of their police, sanitary, and other powers in and in connection with the free zone. It shall also cooperate with the United States Customs Service, the United States Postal Service, the Public Health Service, the Immigration and Naturalization Service, and such other Federal agencies as have jurisdiction in ports of entry described in section 81b of this title.

(Ex. Ord. No. 6166, § 14, June 10, 1933; June 18, 1934, ch. 590, § 9, 48 Stat. 1000.)

CHANGE OF NAME

Reference to the Post Office Department has been changed to the United States Postal Service pursuant to Pub. L. 91-375, § 6(o), Aug. 12, 1970, 84 Stat. 733, set out as a note preceding section 101 of Title 39, Postal Service.

TRANSFER OF FUNCTIONS

All functions of Public Health Service, of the Surgeon General of the Public Health Service, and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, 31 F.R. 8855, 80 Stat. 1610, effective June 25, 1966, set out in the Appendix to Title 5, Government Organization and Employees.

All functions of all other officers of the Department of Justice, and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by former sections 1 and 2 of Reorg. Plan No. 2 of 1950, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, set out in the Appendix to title 5. The Immigration and Naturalization Service, referred to in this section, is in the Department of Justice.

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to title 5. The Customs Service is under the Department of the Treasury.

The Bureaus of Immigration and Naturalization were consolidated as an Immigration and Naturalization Service by Ex. Ord. No. 6166, set out as a note under section 901 of title 5.

§ 81j. Cooperation of other agencies with Board

For the purpose of facilitating the investigations of the Board and its work in the granting of the privilege, in the establishment, operation, and maintenance of a zone, the President may direct the executive departments and other establishments of the Government to cooperate with the Board, and for such purpose each of the several departments and establishments is authorized, upon direction of the President, to furnish to the Board such records, papers, and information in their possession as may be required by him, and temporarily to detail to the service of the Board such officers, experts, or engineers as may be necessary.

(June 18, 1934, ch. 590, § 10, 48 Stat. 1001.)

§ 81k. Agreements as to use of property

If the title to or right of user of any of the property to be included in a zone is in the United States, an agreement to use such property for zone purposes may be entered into between the grantee and the department or officer of the United States having control of the same, under such conditions, approved by the Board and such department or officer, as may be agreed upon.

(June 18, 1934, ch. 590, § 11, 48 Stat. 1001.)

§ 81*l*. Facilities to be provided and maintained

Each grantee shall provide and maintain in connection with the zone—

(a) Adequate slips, docks, wharves, warehouses, loading and unloading and mooring facilities where the zone is adjacent to water; or, in the case of an inland zone, adequate loading, unloading, and warehouse facilities;

(b) Adequate transportation connections with the surrounding territory and with all parts of the United States, so arranged as to permit of proper guarding and inspection for the protection of the revenue;

(c) Adequate facilities for coal or other fuel and for light and power;

(d) Adequate water and sewer mains;

(e) Adequate quarters and facilities for the officers and employees of the United States, State, and municipality whose duties may require their presence within the zone;

(f) Adequate enclosures to segregate the zone from customs territory for protection of the revenue, together with suitable provisions for ingress and egress of persons, conveyances, vessels, and merchandise;

(g) Such other facilities as may be required by the Board.

(June 18, 1934, ch. 590, § 12, 48 Stat. 1001.)

§ 81m. Permission to others to use zone

The grantee may, with the approval of the Board, and under reasonable and uniform regulations for like conditions and circumstances to be prescribed by it, permit other persons, firms, corporations, or associations to erect such buildings and other structures within the zone as will meet their particular requirements: *Provided*, That such permission shall not constitute a vested right as against the United States, nor interfere with the regulation of the grantee or the permittee by the United States, nor interfere with or complicate the revocation of the grant by the United States: *And provided further*, That in the event of the United States or the grantee desiring to acquire the property of the permittee no good will shall be considered as accruing from the privilege granted to the zone: *And provided further*, That such permits shall not be granted on terms that conflict with the public use of the zone as set forth in this chapter.

(June 18, 1934, ch. 590, § 13, 48 Stat. 1001.)

§ 81n. Operation of zone as public utility; cost of customs service

Each zone shall be operated as a public utility, and all rates and charges for all services or privileges within the zone shall be fair and reasonable, and the grantee shall afford to all who may apply for the use of the zone and its facilities and appurtenances uniform treatment under like conditions, subject to such treaties or commercial conventions as are now in force or may hereafter be made from time to time by the United States with foreign governments and the cost of maintaining the additional customs service required under this chapter shall be paid by the operator of the zone.

(June 18, 1934, ch. 590, § 14, 48 Stat. 1001.)

§ 81*o*. Residents of zone

(a) Persons allowed to reside in zone

No person shall be allowed to reside within the zone except Federal, State, or municipal officers or agents whose resident presence is deemed necessary by the Board.

(b) Rules and regulations for employees entering and leaving zone

The Board shall prescribe rules and regulations regarding employees and other persons entering and leaving the zone. All rules and regulations concerning the protection of the revenue shall be approved by the Secretary of the Treasury.

(c) Exclusion from zone of goods or process of treatment

The Board may at any time order the exclusion from the zone of any goods or process of treatment that in its judgment is detrimental to the public interest, health, or safety.

(d) Retail trade within zone

No retail trade shall be conducted within the zone except under permits issued by the grantee and approved by the Board. Such permittees shall sell no goods except such domestic or duty-paid or duty-free goods as are brought into the zone from customs territory.

(June 18, 1934, ch. 590, § 15, 48 Stat. 1002.)

§ 81p. Accounts and recordkeeping

(a) Manner of keeping accounts

The form and manner of keeping the accounts of each zone shall be prescribed by the Board.

(b) Annual report by grantee

Each grantee shall make to the Board annually, and at such other times as it may prescribe, reports containing a full statement of all the operations, receipts, and expenditures, and such other information as the Board may require.

(c) Report to Congress

The Board shall make a report to Congress on the first day of each regular session containing a summary of the operation and fiscal condition of each zone and transmit therewith copies of the annual report of each grantee.

(June 18, 1934, ch. 590, § 16, 48 Stat. 1002.)

§ 81q. Transfer of grant

The grant shall not be sold, conveyed, transferred, set over, or assigned.

(June 18, 1934, ch. 590, § 17, 48 Stat. 1002.)

§ 81r. Revocation of grants

(a) Procedure for revocation

In the event of repeated willful violations of any of the provisions of this chapter by the grantee, the Board may revoke the grant after four months' notice to the grantee and affording it an opportunity to be heard. The testimony taken before the Board shall be reduced to writing and filed in the records of the Board together with the decision reached thereon.

(b) Attendance of witnesses and production of evidence

In the conduct of any proceeding under this section for the revocation of a grant the Board may compel the attendance of witnesses and the giving of testimony and the production of documentary evidence, and for such purpose may invoke the aid of the district courts of the United States.

(c) Nature of order of revocation; appeal

An order under the provisions of this section revoking the grant issued by the Board shall be final and conclusive, unless within ninety days after its service the grantee appeals to the court of appeals for the circuit in which the zone is located by filing with the clerk of said court a written petition praying that the order of the Board be set aside. Such order shall be stayed pending the disposition of appellate proceedings by the court. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Board and it shall thereupon file in the court the record in the proceedings held before it under this section, as provided in section 2112 of title 28. The testimony and evidence taken or submitted before the Board, duly certified and filed as a part of the record, shall be considered by the court as the evidence in the case.

(June 18, 1934, ch. 590, § 18, 48 Stat. 1002; June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; Aug. 28, 1958, Pub. L. 85-791, § 11, 72 Stat. 945.)

AMENDMENTS

1958—Subsec. (c). Pub. L. 85-791 substituted in third sentence "thereupon file in the court" for "forthwith prepare, certify, and file in the court a full and accurate transcript of" and "as provided in section 2112 of Title 28" for "the charges, the evidence, and the order revoking the grant".

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, substituted "court of appeals" for "circuit court of appeals".

§ 81s. Offenses

In case of a violation of this chapter, or any regulation under this chapter, by the grantee, any officer, agent or employee thereof responsible for or permitting any such violation shall be subject to a fine of not more than $1,000. Each day during which a violation continues shall constitute a separate offense.

(June 18, 1934, ch. 590, § 19, 48 Stat. 1003.)

§ 81t. Separability of provisions

If any provision of this chapter or the application of such provision to certain circumstances be held invalid, the remainder of this chapter and the application of such provisions to circumstances other than those as to which it is held invalid shall not be affected thereby.

(June 18, 1934, ch. 590, § 20, 48 Stat. 1003.)

§ 81u. Right to alter, amend, or repeal chapter

The right to alter, amend, or repeal this chapter is reserved.

(June 18, 1934, ch. 590, § 21, 48 Stat. 1003.)

CHAPTER 2—THE UNITED STATES INTERNATIONAL TRADE COMMISSION

CODIFICATION

Sections related to the United States Tariff Commission as it existed prior to act June 17, 1930, ch. 497, 46 Stat. 696.

CHANGE OF NAME

The United States Tariff Commission was redesignated the United States International Trade Commission by Pub. L. 93-618, § 171, Jan. 3, 1975, 88 Stat. 2009. See section 2231(a) of this title.

§§ 91, 92. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643

Section 91, act Sept. 8, 1916, ch. 463, § 700, 39 Stat. 795, related to the organization of the Commission, and is now covered by section 1330 of this title.

Section 92, act Sept. 8, 1916, § 701, 39 Stat. 795, related to the general power and personnel of the Commission, and is now covered by section 1331(a) to (e) of this title.

§ 93. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762

Section, act Sept. 21, 1922, ch. 356, title III, § 318d, 42 Stat. 947, related to the establishment of an office at the port of New York, and is now covered by section 1331(f) of this title.

§ 94. Omitted

CODIFICATION

Section, act July 19, 1919, ch. 24, § 1, 41 Stat. 182, providing that the disbursing clerk of the Treasury Department should act in a similar capacity for the Commission, was a proviso repeated in successive appropriation acts but which has not been repeated in recent years.

§ 95. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762

Section, act Sept. 21, 1922, ch. 356, title III, § 318(e), 42 Stat. 947, related to the adoption of an official seal, and judicial notice thereof, and is now covered by section 1331(g) of this title.

§§ 96 to 98. Omitted

CODIFICATION

Section 96, act Sept. 8, 1916, ch. 463, § 702, 39 Stat. 796, related to the investigation of the administration and fiscal and industrial effects of the customs laws, and is now covered by section 1332(a) of this title.

Section 97, act Sept. 8, 1916, ch. 463, § 703, 39 Stat. 796, related to the conveyance of information to the committees of Congress, and is now covered by section 1332(g) of this title.

Section 98, act Sept. 8, 1916, ch. 463, § 704, 39 Stat. 796, related to the investigative powers of the Commission over commercial transactions and relations with foreign countries, and is now covered by section 1332(b) of this title.

§ 99. Repealed. Pub. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643

Section, act Sept. 8, 1916, ch. 463, § 705, 39 Stat. 796, related to the transfer of certain employees to the Commission.

§ 100. Omitted

CODIFICATION

Section, act Sept. 8, 1916, ch. 463, § 706, 39 Stat. 797, as amended by act Sept. 21, 1922, ch. 356, title III, § 318(f), 42 Stat. 947, related to testimony and production of papers, and is now covered by section 1333(a) to (e) of this title.

§ 101. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643

Section, act Sept. 8, 1916, ch. 463, § 707, 39 Stat. 797, related to the cooperation by the Commission with other agencies, and is now covered by section 1334 of this title.

§§ 102 to 104. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762

Section 102, act Sept. 21, 1922, ch. 356, title III, § 318(a), 42 Stat. 948, related to the conveyance of conversion and production cost information to the President and Congress, and is now covered by section 1332(d) of this title.

Section 103, act Sept. 21, 1922, ch. 356, title III, § 318(c), 42 Stat. 947, related to the powers of the commission under title VII of the Revenue Act of 1916 and its power to require statements by importers and any American grower, producer, manufacturer, or seller as to their selling prices in the United States.

Section 104, act Sept. 21, 1922, ch. 356, title III, § 318(b), 42 Stat. 947, defined the terms "article" and "import costs", and is now covered by section 1332(e) of this title.

§ 105. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643

Section, act Sept. 8, 1916, ch. 463, § 708, 39 Stat. 798, related to unauthorized divulging of information and punishment for offenses.

§ 106. Omitted

Codification

Section, act Sept. 8, 1916, ch. 463, § 709, 39 Stat. 798, authorized an annual appropriation to defray the expenses of the Commission. Since the passage of the Tariff Act of June 17, 1930, ch. 497, 46 Stat. 590, appropriations for the Commission have been made in annual Executive Office appropriation bills.

§ 107. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, act Feb. 20, 1929, ch. 270, § 1, 45 Stat. 1243 (repeated as a proviso in subsequent appropriations for the Commission), related to procurement of supplies and services. Act February 20, 1929, and the similar provisos in subsequent appropriation acts, were repealed by act Oct. 10, 1940. A similar provision was enacted by act Oct. 10, 1940, as part of the consolidated exceptions to section 5 of Title 41, Public Contracts.

CHAPTER 3—THE TARIFF AND RELATED PROVISIONS

SUBTITLE I—DUTIABLE LIST

Sec.
121. Repealed.

SUBTITLE II—FREE LIST

122. Repealed.

SUBTITLE III—SPECIAL PROVISIONS

Cuba and Canal Zone

123. Repealed.
123a. Transferred.
124, 125. Omitted.
126. Imports from Canal Zone.

Countervailing and Discriminating Duty

127. Repealed.
128. Discriminating duty on goods imported in foreign vessels; exception.
129. Discriminating duties.

Country of Origin

130. Importation only in vessels of United States or of country of origin.
131. Vessels, goods, etc., of nations not maintaining similar regulations; vessels of citizens of the United States.
132, 133. Repealed.

Medicinal Preparations

134. Repealed.

Importations Prohibited

135 to 143. Repealed.

Special Provisions for Admission or Withdrawal From Bonded Warehouse Without Payment of Duty

144. Repealed.
144a. Entry under bond of exhibits of arts, sciences, and industries, and products of soil, mine, and sea.
145 to 147. Repealed.

Bonded Warehouses

148 to 150. Repealed.
151. Bonded warehouses for storage and cleansing of imported garbanzo; withdrawals.

Drawbacks

152 to 152b. Repealed.

Sec.

Reimporting Exported Articles

153. Repealed.

Equalizing Production Costs

154 to 159. Repealed.

Dumping Investigation

160. Foreign merchandise sold or likely to be sold at less than fair value.

Special Dumping Duty

161. Amount of duty to be collected.

Purchase Price

162. Price at which merchandise has been purchased or agreed to be purchased prior to time of exportation; other additions and subtractions in determination.

Exporter's Sales Price

163. Price at which merchandise is sold or agreed to be sold in United States; other additions and subtractions in determination.

Foreign Market Value

164. Price of merchandise or similar merchandise sold or offered for sale in principal markets of exporting.

Constructed Value

165. Constructed value.
  (a) Determination.
  (b) Transactions disregarded; best evidence.
  (c) Persons involved in disregarded transactions.

Exporter

166. Exporter defined.

Oaths and Bonds on Entry

167. Oath and bond of person for whose account merchandise is imported before delivery thereof.

Duties of Customs Officers

168. Appraisal.

Protests

169. Protests from determinations of customs officers.

Drawbacks

170. Special duties treated as regular duties.

Definitions

170a. Definitions.

Short Title

171. Citation.

Additional Definitions

172. Additional definitions.

Rules and Regulations

173. Rules and regulations.

Unfair Methods of Competition and Importation Unlawful

174 to 180. Repealed.

Imports from Countries Making Discriminations

181. Exclusion of imports from countries making discriminations.
182 to 190. Repealed.

Special Provisions

191 to 196a. Repealed.

Payment of Duty

197. Duties, how payable.
198. Certified checks; receivable for all public dues; lien for payment of.
199. Judgments, how payable.

SUBTITLE IV—CUSTOMS ADMINISTRATION

ADMINISTRATIVE PROVISIONS

Sec.

PART 1—DEFINITIONS

231. Repealed.
232. "Port" defined.
233. Departure from prescribed forms.
234 to 239. Repealed.
240. Value at date of shipment.

PART 2—REPORT, ENTRY, AND UNLADING OF VESSELS AND VEHICLES

241 to 260. Repealed.
261. Boarding officers' compensation.
262 to 266. Repealed.
267. Compensation for overtime services; fixing working hours.
268 to 281. Repealed.
282. Oath of master.
283. Duty on saloon stores.
284, 285. Repealed.
286. Departure for place where no customhouse.
287. Report and unlading of cargoes.
288. Enrolled or licensed vessels.
289. Entry of ferryboats; vessels exempt from fees.
290. Departure from place where there is no customhouse.
291. Forms.
292. Penalty for neglect.
293. Registered vessels touching at foreign ports.
294. No duty by reason of registered vessel touching at foreign port.

PART 3—ASCERTAINMENT, COLLECTION, AND RECOVERY OF DUTIES

331 to 337. Repealed.
338. Indorsement upon invoice; port of entry.
339. Restriction on consular certificates.
340. Consuls to exact proof of invoice.
341. Fraudulent practices; consul's report.
342 to 390. Repealed.
391. Ascertainment of duties on grain.
392 to 405. Repealed.
405a. "Board of General Appraisers" renamed "United States Customs Court"; title of members.
406 to 420. Repealed.

PART 4—TRANSPORTATION IN BOND AND WAREHOUSING OF MERCHANDISE

451 to 459. Repealed.
460. Retention of distilled spirits, wines, etc., in warehouse during prohibitory period.
461 to 466. Repealed.
467. Deposit of imported liquors in bonded warehouse.
468. Stamps and brands effaced on emptying packages of imported liquors.
469. Dealing in or using empty stamped imported liquor containers.
471 to 475. Repealed.

PART 5—ENFORCEMENT PROVISIONS

481. Repealed.
482. Search of vehicles and persons.
483 to 506. Repealed.
507. Officers to make character known.
508. Persons making seizures pleading general issue and proving special matter.
509 to 526. Repealed.
527. Sums received from fines and other receipts covered into Treasury.
528. Appropriate customs officer to receive amount recovered.
529. Repealed.
530. Dismissal of proceedings.
531 to 534. Repealed.
535. Compulsory production of books, invoices, or papers.
536. Repealed.
537. Officers, informers, and defendants as witnesses.

Sec.
538, 539. Repealed.
540. President may use suitable vessels for enforcing customs laws.
541, 542. Repealed.

PART 6—GENERAL PROVISIONS

571 to 573. Repealed.
574. Exemption from taking other oaths.
575 to 579. Repealed.
580. Interest in suits on bonds for recovery of duties.

SUBTITLE I—DUTIABLE LIST

§ 121. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title I, § 1, 42 Stat. 858 to 922, related to articles dutiable, rates and schedules. Corresponding provisions of Tariff Act of 1930, see section 1202 of this title.

SUBTITLE II—FREE LIST

§ 122. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title II, § 201, 42 Stat. 922 to 934, related to the free list. Corresponding provisions of Tariff Act of 1930, see section 1202 of this title.

SUBTITLE III—SPECIAL PROVISIONS

CUBA AND CANAL ZONE

§ 123. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, § 301, 42 Stat. 934, related to duties upon articles coming from or imported into Philippine Islands. Corresponding provisions of Tariff Act of 1930 were covered by section 1301 of this title [repealed]. Former section 1301 is now covered by section 1202 of this title, chapter 15 of Title 22, Foreign Relations and Intercourse, sections 5001, 5007 of Title 26, Internal Revenue Code, and section 734 of Title 48, Territories and Insular Possessions.

§ 123a. Transferred

CODIFICATION

Provisions of this section, act Mar. 8, 1902, ch. 140, § 4, 32 Stat. 54, were transferred to section 3343(b) of Title 26, Internal Revenue Code of 1939, and were repealed by act Apr. 30, 1946, ch. 244, title V, § 506(b), 60 Stat. 157, eff. July 4, 1946.

§§ 124, 125. Omitted

CODIFICATION

Sections 124 and 125, sections 1 and 2 of act Dec. 17, 1903, ch. 1, 33 Stat. 3, relating to the admission of goods from Cuba at a reduced rate, and with no additional charges, so long as the Convention between the United States and Cuba, signed on the 11th day of December, 1902, shall remain in force, were omitted from the Code in view of the termination of such convention on August 21, 1963, pursuant to notice given by the United States on Aug. 21, 1962 (see Bevans, Treaties and Other International Agreements of the United States of America, 1776-1949, vol. VI, page 1106), and in view of section 401 of Pub. L. 87-456, title IV, May 24, 1962, 76 Stat. 78, set out as a note under section 1351 of this title, which designated Cuba as a nation dominated or controlled by the foreign government or foreign organization controlling the world communist movement.

§ 126. Imports from Canal Zone

All laws affecting imports of articles, goods, wares, and merchandise and entry of persons into the United States from foreign countries shall apply to articles, goods, wares, and merchandise and persons coming from the Canal Zone, Isthmus of Panama, and seeking entry into any State or Territory of the United States or the District of Columbia.

(Mar. 2, 1905, ch. 1311, 33 Stat. 843.)

CROSS REFERENCES

United States, alien, person, defined, see section 1101 of Title 8, Aliens and Nationality.

COUNTERVAILING AND DISCRIMINATING DUTY

§ 127. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, § 303, 42 Stat. 935, related to countervailing duty upon articles on which export bounty had been paid. Corresponding provisions of Tariff Act of 1930, see section 1303 of this title.

§ 128. Discriminating duty on goods imported in foreign vessels; exception

A discriminating duty of 10 per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States, or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country; but this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention or Act of Congress to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States, nor to goods, wares, and merchandise imported in a vessel owned by citizens of the United States, but not a vessel of the United States, if such vessel, after entering an American port, shall before leaving the same be registered as a vessel of the United States, nor to such foreign products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade.

(Oct. 3, 1913, ch. 16, § IV, J, subsec. 1, 38 Stat. 195; Mar. 4, 1915, ch. 171, § 1, 38 Stat. 1193; June 17, 1930, ch. 497, title IV, § 651(d), 46 Stat. 763.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 130, 1651 of this title.

§ 129. Discriminating duties

No part of the additional or discriminating duty imposed by law on merchandise on account of its importation in foreign vessels shall be allowed to be drawback, but the whole shall be retained.

(R.S. § 3027.)

CODIFICATION

R.S. § 3027 was from acts May 13, 1800, ch. 64, § 2, 2 Stat. 83; Aug. 30, 1842, ch. 270, § 15, 5 Stat. 563.

COUNTRY OF ORIGIN

§ 130. Importation only in vessels of United States or of country of origin

No goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section or section 128 of this title, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

(Oct. 3, 1913, ch. 16, § IV, J, subsec. 2, 38 Stat. 196; June 17, 1930, ch. 497, title IV, § 651(d), 46 Stat. 763.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 131, 1651 of this title.

§ 131. Vessels, goods, etc., of nations not maintaining similar regulations; vessels of citizens of the United States

Section 130 of this title shall not apply to vessels or goods, wares, or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States nor to any vessel owned by citizens of the United States but not a vessel of the United States if such vessel after entering an American port shall, before leaving the same, be registered as a vessel of the United States.

(Oct. 3, 1913, ch. 16, § IV, J, subsec. 3, 38 Stat. 196; Mar. 4, 1915, ch. 171, § 1, 38 Stat. 1193; June 17, 1930, ch. 497, title IV, § 651(d), 46 Stat. 763.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1651 of this title.

§§ 132, 133. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762

Sections, act Sept. 21, 1922, ch. 356, title III, § 304(a), (b), 42 Stat. 936, related to marking imported articles and packages to indicate country of origin and penalty for violation of same.

Corresponding provisions of Tariff Act of 1930, see section 1304 of this title.

EFFECTIVE DATE OF REPEAL

Sections 132, 133 were repealed effective sixty days after enactment of repealing act.

MEDICINAL PREPARATIONS

§ 134. Repealed. Aug. 8, 1953, ch. 397, § 4(b), 67 Stat. 509

Section, R.S. § 2934, required that imported medicinal preparations be marked with the name of the true manufacturer and the place where they were prepared, and provided for forfeiture in the absence of such names. Present provisions relating to the regulation and control of drugs are contained in section 351 et seq., of Title 21, Food and Drugs.

EFFECTIVE DATE OF REPEAL; SAVING CLAUSE

Repeal of this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes under section 258 of this title.

IMPORTATIONS PROHIBITED

§§ 135 to 143. Repealed. June 17, 1939, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §§ 305(a), (c), 306(a) to (c), 307, title IV, § 526(a) to (c), 42 Stat. 936, 937, 975, related to prohibitions on importation of obscene books, neat cattle, convict goods, merchandise bearing trade marks owned by citizens and enforcement provisions.

Provisions of Tariff Act of 1930 corresponding to section 135, see section 1305 of this title; section 136, see section 1305; section 137, see section 1306; section 138, none; section 139, none; section 140, see section 1307; section 141. see section 1526(a); section 142, see section 1526(b); section 143, see section 1526(c).

SPECIAL PROVISIONS FOR ADMISSION OR WITHDRAWAL FROM BONDED WAREHOUSE WITHOUT PAYMENT OF DUTY

§ 144. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, § 308, 42 Stat. 938, related to admission without payment of duty under bond for exportation. See Revised Tariff Schedules of the United States, section 1202 of this title.

§ 144a. Entry under bond of exhibits of arts, sciences, and industries, and products of soil, mine, and sea

All articles which shall be imported from foreign countries for the sole purpose of exhibition or display at a permanent exhibition or exhibitions and/or at a temporary exhibition or exhibitions of the arts, sciences, and industries, and products of the soil, mine, and sea, to be held at any time and from time to time by Rockefeller Center (Incorporated), a corporation organized under the laws of the State of New York, and/or by its tenants or licensees in a building or buildings to be owned by Rockefeller Center (Incorporated), and to be a part of and to be known as Rockefeller Center and to be located between Fifth and Sixth Avenues and Forty-eighth and Fifty-first Streets, in the Borough of Manhattan, city and State of New York, upon which articles there shall be a tariff or customs duty, shall be admitted free of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful, at any time during or at the close of any exhibition held pursuant to this section, to sell for delivery at the close thereof any goods or property imported for and actually displayed at such exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal and to the requirements of the tariff laws in effect at such date: *And provided further*, That Rockefeller Center (Incorporated) shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this section, and that all necessary governmental expenses incurred as a result of exhibitions authorized under this section, including salaries of customs officials in charge of imported articles, shall be paid to the Treasury of the United States by Rockefeller Center (Incorporated) under regulations to be prescribed by the Secretary of the Treasury: *And provided further*, That all such articles shall, at the expiration of two years, be subject to the impost duty then in force, unless the same shall have been sold or exported from this country prior to that period of time: *And provided further*, That nothing in this section contained shall be construed as an invitation, express or implied, from the Government of the United States to any foreign government, state, municipality, corporation, partnership, or individual to import any articles for the purpose of exhibition at the said exhibitions.

(July 19, 1932, ch. 511, 47 Stat. 705.)

IMMUNITY FROM SEIZURE UNDER JUDICIAL PROCESS OF CULTURAL OBJECTS IMPORTED FOR TEMPORARY EXHIBITION OR DISPLAY

Presidential determination of cultural significance of objects and exhibition or display thereof in the national interest, see section 2459 of Title 22, Foreign Relations and Intercourse.

§§ 145 to 147. Repealed. June 17, 1930, ch. 497, title IV, § 351(a)(1), 46 Stat. 762, eff. June 18, 1930

Section 145, acts June 26, 1884, ch. 121, § 16, 23 Stat. 57; June 19, 1886, ch. 421, § 15, 24 Stat. 82; July 24, 1897, ch. 11, § 14, 30 Stat. 207, related to supplies for vessels in foreign trade or trade between Atlantic and Pacific. See section 1309 of this title.

Section 146, act Sept. 21, 1922, ch. 356, title III, § 309, 42 Stat. 938, related to supplies to war vessels free of duty. See section 1309 of this title.

Section 147, act Sept. 21, 1922, ch. 356, title III, § 310, 42 Stat. 938, related to admission free of duty of merchandise of sunken and abandoned vessels. See section 1310 of this title.

BONDED WAREHOUSES

§§ 148 to 150. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §§ 311, 312, 42 Stat. 938 to 940, related to bonded manufacturing and smelting warehouses and enforcement provisions. Provisions of Tariff Act of 1930 corresponding to section 148, see section 1311 of this title; section 149, see section 1312; section 150, see section 1312.

§ 151. Bonded warehouses for storage and cleansing of imported garbanzo; withdrawals

Under such regulations and conditions as may be prescribed by the Secretary of the Treasury, bonded warehouses may be established in which imported Mexican peas, commonly called garbanzo may be stored, cleaned, repacked or otherwise changed in condition, but not manufactured, and withdrawn for exportation without the payment of duty thereon. The whole or any part of such imported garbanzo, and the waste material and by-products incident to cleaning or otherwise treating said imported garbanzo, may be withdrawn for domestic consumption upon the payment on the quantity so withdrawn of the duty imposed by law on such garbanzo in their condition as imported. The compensation of customs officers and storekeepers for all services in the supervision of such warehouses shall be paid from moneys advanced by the warehouse proprietor to the appropriate customs officer and be carried in a special account and disbursed for such purposes, and all expenses incurred shall be paid by the warehouse proprietor.

(June 28, 1916, ch. 180, 39 Stat. 239; June 2, 1970, Pub. L. 91-271, title III, § 310, 84 Stat. 292.)

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector of customs.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

CROSS REFERENCES

Withdrawal of imported merchandise from bonded warehouses, see section 1562 of this title.

DRAWBACKS

§ 152. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, § 313, 42 Stat. 940, related to drawbacks on certain articles made from imported materials. Corresponding provisions of Tariff Act of 1930, see section 1313 of this title.

§§ 152a, 152b. Repealed. Oct. 31, 1951, ch. 655, § 56(d), 65 Stat. 729

Sections, act Mar. 8, 1902, ch. 140, §§ 6, 7, 32 Stat. 55, related to drawbacks in connection with articles shipped to, or reexported to, the Philippines. Prior to this repeal, they had been omitted from the Code as obsolete in view of the independence of the Philippines.

SAVING CLAUSE

Subsec. (*l*) of section 56 of act Oct. 31, 1951, provided that the repeal of these sections should not affect any rights or liabilities existing hereunder on the effective date of such repeal (Oct. 31, 1951).

REIMPORTING EXPORTED ARTICLES

§ 153. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, § 314, 42 Stat. 941, related to duty on articles reimported after exportation free of internal-revenue taxes.

EQUALIZING PRODUCTION COSTS

§§ 154 to 159. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, § 315(a) to (f), 42 Stat. 941 to 943, related to procedure where duties do not equalize differences in costs of production in United States and principal competing country and rules and regulations for entry and declaration of articles.

Provisions of Tariff Act of 1930 corresponding to section 154, see section 1336(a) of this title; section 155, see section 1336(b); section 156, see section 1336(e); section 157, none; section 158, see section 1336(i); section 159, see section 1336(j).

DUMPING INVESTIGATION

§ 160. Foreign merchandise sold or likely to be sold at less than fair value

(a) Initiation of investigation by International Trade Commission; determination of injury to United States industry; finding; publication of finding

Whenever the Secretary of the Treasury (hereinafter called the "Secretary") determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States International Trade Commission (hereinafter called the "Commission"), and the Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. The Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and, if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in sections 160 to 171 of this title called a "finding") of his determination and the determination of the said Commission. For the purposes of this subsection, the Commission shall be deemed to have made an affirmative determination if the Commissioners of the Commission voting are evenly divided as to whether its determination should be in the affirmative or in the negative. The Secretary's finding shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

(b) Procedure when Secretary of the Treasury has not published his finding and that of International Trade Commission; determination by Secretary; publication; withholding of appraisement

(1) In the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, he shall, within six months after the publication under subsection (c)(1) of this section of a notice of initiation of an investigation—

(A) determine whether there is reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value); and

(B) if his determination is affirmative, publish a notice of that fact in the Federal Register, and require, under such regulations as he may prescribe, the withholding of appraisement as to such merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of that notice in the Federal Register (or such earlier date, not more than one hundred and twenty days before the date of publication under subsection (c)(1) of this section of notice of initiation of the investigation, as the Secretary may prescribe), until the further order of the Secretary, or until the Secretary has made public a finding as provided for in subsection (a) of this section in regard to such merchandise; or

(C) if his determination is negative (or if he tentatively determines that the investigation should be discontinued), publish notice of that fact in the Federal Register.

(2) If in the course of an investigation under this subsection the Secretary concludes that the determination provided for in paragraph (1) cannot reasonably be made within six months, he shall publish notice of this in the Federal Register, together with a statement of reasons therefor, in which case the determination shall be made within nine months after the publication in the Federal Register of the notice of initiation of the investigation.

(3) Within three months after publication in the Federal Register of a determination under paragraph (1), the Secretary shall make a final determination whether the foreign merchandise in question is being or is likely to be sold in the United States at less than its fair value (or a final discontinuance of the investigation).

(c) Information to Secretary of the Treasury alleging that foreign merchandise is being sold or is likely to be sold at less than fair value; determination of whether to initiate investigation; publication; substantial doubt

(1) The Secretary shall, within thirty days of the receipt of information alleging that a particular class or kind of merchandise is being or is likely to be sold in the United States or elsewhere at less than its fair value and that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, determine whether to initiate an investigation into the question of whether such merchandise in fact is being or is likely to be sold in the United States or elsewhere at less than its fair value. If his determination is affirmative he shall publish notice of the initiation of such an investigation in the Federal Register. If it is negative, the inquiry shall be closed.

(2) If, in the course of making a determination under paragraph (1), the Secretary concludes, from the information available to him, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason by the importation of such merchandise into the United States, he shall forward to the Commission the reasons for such substantial doubt and a preliminary indication, based upon whatever price information is available, concerning possible sales at less than fair value, including possible margins of dumping and the volume of trade. If within thirty days after receipt of such information from the Secretary, the Commission, after conducting such inquiry as it deems appropriate, determines there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, it shall advise the Secretary of its determination and any investigation under subsection (b) of this section then in progress shall be terminated.

(d) Hearing; publication of determination, findings, conclusions, and reasons or bases therefor

(1) Before making any determination under subsection (a) of this section, the Secretary or the Commission, as the case may be, shall, at the request of any foreign manufacturer or exporter, or any domestic importer, of the foreign merchandise in question, or of any domestic manufacturer, producer, or wholesaler of merchandise of the same class or kind, conduct a hearing at which—

(A) any such person shall have the right to appear by counsel or in person; and

(B) any other person, firm, or corporation may make application and, upon good cause shown, may be allowed by the Secretary or the Commission, as the case may be, to intervene and appear at such hearing by counsel or in person.

(2) The Secretary, upon determining whether foreign merchandise is being, or is likely to be, sold in the United States at less than its fair value, and the Commission, upon making its determination under subsection (a) of this section, shall publish in the Federal Register such determination, whether affirmative or negative, together with a complete statement of findings and conclusions, and the reasons or bases therefor, on all the material issues of fact or law presented (consistent with confidential treatment granted by the Secretary or the Commission, as the case may be, in the course of making its determination).

(3) The hearings provided for under this section shall be exempt from sections 554, 555, 556, 557, and 702 of title 5. The transcript of any hearing, together with all information developed in connection with the investigation (other than items to which confidential treatment has been granted by the Secretary or the Commission, as the case may be), shall be made available in the manner and to the extent provided in section 552(b) of title 5.

(May 27, 1921, ch. 14, § 201, 42 Stat. 11; Sept. 1, 1954, ch. 1213, title III, § 301, 68 Stat. 1138; Aug. 14, 1958, Pub. L. 85-630, §§ 1, 4(b), 72 Stat. 583, 585; Jan. 3, 1975, Pub. L. 93-618, title III, § 321(a), 88 Stat. 2043.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93-618, § 321(a)(1), substituted "United States International Trade Commission (hereinafter called the 'Commission')" for "United States Tariff Commission" and "Commission" for "said Commission".

Subsec. (b). Pub. L. 93-618, § 321(a)(2), added provisions requiring the Secretary of the Treasury, within 6 months (or in more complicated investigations within 9 months) after publication of a notice of initiation of an investigation, to make the determination as to whether there is reason to believe or suspect that the purchase price of imported merchandise is less, or the exporter's sales price is less or likely to be less, than the foreign market value or constructed value of the merchandise, and, if his determination is affirmative, publish notice thereof in the Federal Register and require the withholding of appraisement of any such merchandise, but, if his determination is negative, or if he tentatively determines that the investigation should be discontinued, publish notice thereof in the Federal Register, and order the withholding of appraisement within 3 months thereafter if he then has reason to believe or suspect that dumping is involved, but if no withholding of appraisement is ordered within 3 months, publish a final negative determination or a notice of discontinuance of the investigation.

Subsec. (c). Pub. L. 93-618, § 321(a)(2), substituted provisions covering the determination by the Secretary of whether to initiate an investigation into the question of whether merchandise is being or is likely to be sold in the United States or elsewhere at less than its fair value, for provisions directing the Secretary and the Commission to publish in the Federal Register their determination covering the sale or likelihood of sale of merchandise in the United States at less than fair value.

Subsec. (d). Pub. L. 93-618, § 321(a)(2), added subsec. (d).

1958—Subsec. (a). Pub. L. 85-630, § 1(1), provided that where the Commissioners are evenly divided it shall be deemed that the Commission made an affirmative determination.

Subsec. (b). Pub. L. 85-630, §§ 1(2), 4(b), substituted "constructed value" for "cost of production", and inserted provisions requiring publication of notice in the Federal Register.

Subsec. (c). Pub. L. 85-630, § 1(3), added subsec. (c).

1954—Act Sept. 1, 1954, transferred the injury determination authority from the Secretary of the Treasury to the Tariff Commission, provided that it be made within 3 months from the determination of the question of a dumping price by the Secretary, and provided that the Secretary's authority to withhold appraisement reports be limited to merchandise entered, or withdrawn from warehouse, for consumption not more than 120 days before the question of dumping was first raised.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 321(g)(1) of Pub. L. 93-618 provided that: "The amendments made by subsection (a) of this section [amending this section] shall apply with respect to all questions of dumping raised or presented on or after the date of the enactment of this Act [Jan. 3, 1975]."

EFFECTIVE DATE OF 1958 AMENDMENT

Section 6 of Pub. L. 85-630 provided that: "The amendments made by this Act [adding section 170a of this title and amending sections 160, 161, 164, 165, 168, 169 and 171 of this title] shall apply with respect to all merchandise as to which no appraisement report has been made on or before the date of the enactment of this Act [August, 14, 1958]; except that such amendments shall not apply with respect to any merchandise which—

"(1) was exported from the country of exportation before the date of the enactment of this Act [August 14, 1958], and

"(2) is subject to a finding under the Antidumping Act, 1921 [sections 160 to 171 of this title], which (A) is outstanding on the date of enactment of this Act [August 14, 1958], or (B) was revoked on or before the date of the enactment of this Act [August 14, 1958], but is still applicable to such merchandise."

EFFECTIVE DATE OF 1954 AMENDMENT

Section 601 of act Sept. 1, 1954, provided that: "Titles II, III, IV, and VI of this Act [which amended this section, sections 161(a), 1001 (par. 1559), 1201 (par. 1615(g)) of this title, sections 1421e and 1644 of Title 48, Territories and Insular Possessions, added sections 1301a of this title] shall be effective on and after the thirtieth day following the date of the enactment of this Act [Sept. 1, 1954]".

SHORT TITLE

Section 1 of act Sept. 1, 1954 provided that act Sept. 1, 1954, which added sections 1301a, 1595a of this title, amended sections 161, 1001 par. 1559, 1201 par. 1615, 1441, 1451, 1581, 1605, 1607, 1610, 1612 of this title, sections 545 of Title 18, Crimes and Criminal Procedure, 91 of Title 46, Shipping, 1421e, 1644 of Title 48, Territories and Insular Possessions, and enacted provisions set out as notes under this section and section 1332 of this title, may be cited as the "Customs Simplification Act of 1954."

ANTIDUMPING ACT UNAFFECTED BY TARIFF ACT OF 1930

Sections 160 to 171 were expressly excepted from repeal or amendment by section 651(d) of the Tariff Act of 1930 (act June 17, 1930, ch. 497, 46 Stat. 763), which provided: "Nothing in this Act shall be construed to amend or repeal any of the following provisions of law: * * * (5) the Antidumping Act, 1921 [sections 160 to 171 of this title]."

ANTIDUMPING ACT UNAFFECTED BY ACT AUGUST 2, 1956; REVIEW OF OPERATION OF ACT AND REPORT TO CONGRESS

Section 5 of act Aug. 2, 1956, ch. 887, 70 Stat. 948, provided that: "Nothing in this Act [enacting provisions set out as notes under this section and sections 2, 1351, 1401a, and 1402 of this title, and enacting section 1401a of this title, amending pars. 27(c) and 28(c) of section 1001 of this title, sections 1402, 1500(f), and 1583 of this title, and section 372(c) of Title 31, Money and Finance, and repealing sections 12 to 18, 21 to 24, 26 to 28, 30, 40, 53 to 57, 59, 61, 62, 67, 376, 379, 390, 494, 526, 541, 542, 549, and 579 of this title, and section 711(7) of Title 31, Money and Finance] shall be considered to repeal, modify, or supersede, directly or indirectly, any provision of the Antidumping Act, 1921, as amended [sections 160 to 171 of this title]. The Secretary of the Treasury, after consulting with the United States Tariff Commission, shall review the operation and effectiveness of such Antidumping Act and report thereon to the Congress within six months after the date of enactment of this Act [Aug. 2, 1956]. In that report, the Secretary shall recommend to the Congress any amendment of such Antidumping Act which he considers desirable or necessary to provide for greater certainty, speed, and efficiency in the enforcement of such Antidumping Act."

ADMINISTRATION OF THE ANTIDUMPING ACT, 1921, BY UNITED STATES TARIFF COMMISSION; REPORT TO CONGRESS

Pub. L. 90-634, title II, § 201, Oct. 24, 1968, 82 Stat. 1347, provided that:

"(a) Nothing contained in the International Antidumping Code, signed at Geneva on June 30, 1967, shall be construed to restrict the discretion of the United States Tariff Commission in performing its duties and functions under the Antidumping Act, 1921 [section 160 to 171 of this title], and in performing their duties and functions under such Act the Secretary of the Treasury and the Tariff Commission shall—

"(1) resolve any conflict between the International Antidumping Code and the Antidumping Act, 1921, in favor of the Act as applied by the agency administering the Act, and

"(2) take into account the provisions of the International Antidumping Code only insofar as they are consistent with the Antidumping Act, 1921, as applied by the agency administering the Act.

"(b) No later than August 1, 1969, the President shall submit to the House of Representatives and United States Senate a report for the period beginning on July 1, 1968, and ending on June 30, 1969, which shall—

"(1) set out the text of all determinations made by the Secretary of the Treasury and the United States Tariff Commission under the Antidumping Act, 1921, in such period;

"(2) analyze with respect to each determination in such period the manner in which the Antidumping Act, 1921, has been administered to take into account the provisions of the International Antidumping Code;

"(3) summarize antidumping actions taken by other countries in such period against United States exports and relate such actions to the provisions of the International Antidumping Code; and

"(4) include such recommendations as the President determines appropriate concerning the administration of the Antidumping Act, 1921."

Section Referred to in Other Sections

This section is referred to in sections 161, 162 to 171, and 1516 of this title; title 28 section 2632.

Special Dumping Duty

§ 161. Amount of duty to be collected

(a) Levy, collection and payment of additional duty

In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary of the Treasury has made public a finding as provided for in section 160 of this title, entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping was raised by or presented to the Secretary or any person to whom authority under said section has been delegated, and as to which no appraisement has been made before such finding has been so made public, if the purchase price or the exporter's sales price is less than the foreign market value (or, in the absence of such value, than the constructed value) there shall be levied, collected, and paid, in addition to any other duties imposed thereon by law, a special dumping duty in an amount equal to such difference.

(b) Difference in purchase price and foreign market value

In determining the foreign market value for the purposes of subsection (a) of this section, if it is established to the satisfaction of the Secretary or his delegate that the amount of any difference between the purchase price and the foreign market value (or that the fact that the purchase price is the same as the foreign market value) is wholly or partly due to—

(1) the fact that the wholesale quantities, in which such or similar merchandise is sold or, in the absence of sales, offered for sale for exportation to the United States in the ordinary course of trade, are less or are greater than the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States),

(2) other differences in circumstances of sale, or

(3) the fact that merchandise described in subdivision (C), (D), (E), or (F) of section 170a(3) of this title is used in determining foreign market value,

then due allowance shall be made therefor.

(c) Difference in exporter's sales price and foreign market value

In determining the foreign market value for the purposes of subsection (a) of this section, if it is established to the satisfaction of the Secretary or his delegate that the amount of any difference between the exporter's sales price and the foreign market value (or that the fact that the exporter's sales price is the same as the foreign market value) is wholly or partly due to—

(1) the fact that the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the United States in the ordinary course of trade, are less or are greater than the wholesale quantities in which such or similar merchandise is sold, or in the absence of sales, offered for sale in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States),

(2) other differences in circumstances of sale, or

(3) the fact that merchandise described in subdivision (C), (D), (E), or (F) of section 170a (3) of this title is used in determining foreign market value,

then due allowance shall be made therefor.

(May 27, 1921, ch. 14, § 202, 42 Stat. 11; Sept. 1, 1954, ch. 1213, title III, § 302, 68 Stat. 1139; Aug. 14, 1958, Pub. L. 85-630, §§ 2, 4(b), 72 Stat. 583, 585; June 2, 1970, Pub. L. 91-271, title III, § 311, 84 Stat. 292.)

Amendments

1970—Subsec. (a). Pub. L. 91-271 struck out "report" following "as to which no appraisement".

1958—Subsec. (a). Pub. L. 85-630, § 4(b), substituted "constructed value" for "cost of production".

Subsec. (b). Pub. L. 85-630, § 2, substituted "the Secretary or his delegate" for "appraising officers", "sold or, in the absence of sales, offered for sale" for "sold or freely offered for sale to all purchasers" in two instances, and "are less or are greater than the wholesale quantities" for "are greater than the wholesale quantities", inserted "(or that the fact that the purchase price is the same as the foreign market value)" preceding "is wholly or partly due", and authorized consideration of other differences in circumstances of sale, and the fact that merchandise described in section 170a(3)(C), (D), (E), or (F) of this title is used in determining foreign market value.

Subsec. (c). Pub. L. 85-630, § 2, substituted "the Secretary or his delegate" for "appraising officers", "sold or in the absence of sales, offered for sale" for "sold or freely offered for sale to all purchasers" in two instances, and "are less or are greater than the wholesale quantities" for "are greater than the wholesale quantities", inserted "(or that the fact that the exporter's sales price is the same as the foreign market value)" preceding "is wholly or partly due", and authorized consideration of other differences in circumstances of sale, and the fact that merchandise described in section 170a(3)(C), (D), (E), or (F) of this title is used in determining foreign market value.

1954—Subsec. (a). Act Sept. 1, 1954, provided that duty be applicable only to unappraised entries first entered, or withdrawn from warehouse, for consumption, within 120 days before the question of dumping was first raised by or presented to the Secretary of the Treasury.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

For provisions relating to effective date and applicability of the amendment to this section by Pub. L. 85-630, see section 6 of Pub. L. 85-630, set out as an Effective Date of 1958 Amendment note under section 160 of this title.

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment of subsec. (a) by act Sept. 1, 1954, as effective on and after the thirtieth day following Sept. 1, 1954, see section 601 of act Sept. 1, 1954, set out as an Effective Date of 1954 Amendment note under section 160 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162 to 171, 1516 of this title.

PURCHASE PRICE

§ 162. Price at which merchandise has been purchased or agreed to be purchased prior to time of exportation; other additions and subtractions in determination

For the purposes of sections 160 to 171 of this title, the purchase price of imported merchandise shall be the price at which such merchandise has been purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise is imported, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; and less the amount, if included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States, but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation; and plus the amount of any taxes rebated or not collected, by reason of the exportation of the merchandise to the United States, which rebate or noncollection has been determined by the Secretary to be a bounty or grant within the meaning of section 1303 of this title.

(May 27, 1921, ch. 14, § 203, 42 Stat. 12; Jan. 3, 1975, Pub. L. 93-618, title III, § 321(b), 88 Stat. 2045.)

AMENDMENTS

1975—Pub. L. 93-618 substituted "and less the amount, if included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States" for "and plus the amount, if not included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States"; and substituted "and plus the amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States, but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation; and plus the amount of any taxes rebated or not collected, by reason of the exportation of the merchandise to the United States, which rebate or noncollection has been determined by the Secretary to be a bounty or grant within the meaning of section 1303 of this title" for "and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller, in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 321(g)(2) of Pub. L. 93-618 provided that:

"The amendments made by subsections (b) through (e) of this section [amending this section of sections 163, 164, and 170a of this title] shall apply with respect to all merchandise which is not appraised on or before the date of the enactment of this Act [Jan. 3, 1975]; except that such amendments shall not apply with respect to any merchandise which—

"(A) was exported from the country of exportation before such date of the enactment, and

"(B) is subject to a finding under the Antidumping Act, 1921 [sections 160-171 of this title], which (i) is outstanding on such date of enactment, or (ii) was revoked on or before such date of enactment but is still applicable to such merchandise."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 163 to 171 of this title.

EXPORTER'S SALES PRICE

§ 163. Price at which merchandise is sold or agreed to be sold in United States; other additions and subtractions in determination

For the purposes of sections 160 to 171 of this title, the exporter's sale price of imported merchandise shall be the price at which such merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less (1) the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States, (2) the amount of the commissions, if any, for selling in the United States the particular merchandise under consideration, (3) an amount equal to the expenses, if any, generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, (4) the amount of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States, and (5) the amount of any increased value, including additional material and labor, resulting from a process of manufacture or assembly performed on the imported merchandise after the importation of the merchandise and before its sale to a person who is not the exporter of the merchandise within the meaning of section 166 of this title; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States, but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation; and plus the amount of any taxes rebated, or not collected, by reason of the exportation of the merchandise to the United States, which rebate or noncollection has been determined by the Secretary to be a bounty or grant within the meaning of section 1303 of this title.

(May 27, 1921, ch. 14, § 204, 42 Stat. 13; Jan. 3, 1975, Pub. L. 93-618, title III, § 321(c), 88 Stat. 2046.)

AMENDMENTS

1975—Pub. L. 93-618 struck out "and" preceding cl. (4), added cl. (5), and in the undesignated clauses following cl. (5) substituted "and plus the amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States, but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation; and plus the amount of any taxes rebated, or not collected, by reason of the exportation of the merchandise to the United States, which rebate or noncollection has been determined by the Secretary to be a bounty or grant within the meaning of section 1303 of this title", for "and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-618 applicable with respect to all merchandise which is not appraised on or before Jan. 3, 1975, but not applicable to any merchandise exported from the country of exportation before Jan. 3, 1975, which is subject to a finding under sections 160-171 of this title outstanding on Jan. 3, 1975, or revoked on or before Jan. 3, 1975, but still applicable to such merchandise, see section 321(g)(2) of Pub. L. 93-618, set out as a note under section 162 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162, 164 to 171 of this title.

FOREIGN MARKET VALUE

§ 164. Price of merchandise or similar merchandise sold or offered for sale in principal markets of exporting country

(a) Determination; fictitious market; sales agencies

For the purposes of sections 160 to 171 of this title the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, or if the Secretary determines that the quantity sold for home consumption is so small in relation to the quantity sold for exportation to countries other than the United States as to form an inadequate basis for comparison, then the price at which so sold or offered for sale for exportation to countries other than the United States), plus, when not included in such price, the cost of all containers and coverings and all other cost, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of sections 160 to 171 of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account. If such or similar merchandise is sold or in the absence of sales, offered for sale through a sales agency or other organization related to the seller in any of the respects described in section 166 of this title, the prices at which such or similar merchandise is sold or, in the absence of sales, offered for sale by such sales agency or other organization may be used in determining the foreign market value.

(b) Home market sales at less than cost of production

Whenever the Secretary has reasonable grounds to believe or suspect that sales in the home market of the country of exportation, or, as appropriate, to countries other than the United States, have been made at prices which represent less than the cost of producing the merchandise in question, he shall determine whether, in fact, such sales were made at less than the cost of producing the merchandise. If the Secretary determines that sales made at less than cost of production (1) have been made over an extended period of time and in substantial quantities, and (2) are not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade, such sales shall be disregarded in the determination of foreign market value. Whenever sales are disregarded by virtue of having been made at less than the cost of production and the remaining sales, made at not less than cost of production, are determined to be inadequate as a basis for the determination of foreign market value, the Secretary shall determine that no foreign market value exists and employ the constructed value of the merchandise in question.

(c) State-controlled economies in exporting countries

If available information indicates to the Secretary that the economy of the country from which the merchandise is exported is state-controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under subsection (a) of this section, the Secretary shall determine the foreign market value of the merchandise on the basis of the normal costs, expenses, and profits as reflected by either—

(1) the prices, determined in accordance with subsection (a) of this section and section 161 of this title, at which such or similar merchandise of a non-state-controlled-economy country or countries is sold either (A) for consumption in the home market of that country or countries, or (B) to other countries, including the United States; or

(2) the constructed value of such or similar merchandise in a non-state-controlled-economy country or countries as determined under section 165 of this title.

(d) Merchandise produced in exporting countries in facilities owned or controlled by persons, firms, or corporations which also own or control other facilities producing similar merchandise in other countries

Whenever, in the course of an investigation under sections 160 to 171 of this title, the Secretary determines that—

(1) merchandise exported to the United States is being produced in facilities which are owned or controlled, directly or indirectly, by a person, firm, or corporation which also owns or controls, directly or indirectly, other facilities for the production of such or similar merchandise which are located in another country or countries;

(2) the sales of such or similar merchandise by the company concerned in the home market of the exporting country are nonexistent or inadequate as a basis for comparison with the sales of the merchandise to the United States; and

(3) the foreign market value of such or similar merchandise produced in one or more of the facilities outside the country of exportation is higher than the foreign market value, or, if there is no foreign market value, the constructed value, of such or similar merchandise produced in the facilities located in the country of exportation,

he shall determine the foreign market value of such merchandise by reference to the foreign market value at which such or similar merchandise is sold in substantial quantities by one or more facilities outside the country of exportation. The Secretary, in making any determination under this paragraph, shall make adjustments for the difference between the costs of production (including taxes, labor, materials, and overhead) of such or similar merchandise produced in facilities outside the country of exportation and costs of production of such or similar merchandise produced in the facilities in the country of exportation, if such differences are demonstrated to his satisfaction. For the purpose of this subsection, in determining foreign market value of such or similar merchandise produced in a country outside of the country of exportation, the Secretary shall determine its price at the time of exportation from the country of exportation and shall make any adjustments required by subsection (a) of this section for the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States by reference to such costs in the country of exportation.

(May 27, 1921, ch. 14, § 205, 42 Stat. 13; Aug. 14, 1958, Pub. L. 85-630, § 3, 72 Stat. 584; Jan. 3, 1975, Pub. L. 93-618, title III, § 321(d), 88 Stat. 2046.)

Amendments

1975—Pub. L. 93-618 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

1958—Pub. L. 85-630 substituted "sold or, in the absence of sales, offered for sale" for "sold or freely offered for sale to all purchasers", and inserted provisions authorizing the Secretary to base foreign market value on the price for exportation to countries other than the United States when he determines that the quantity sold for home consumption is so small as to form an inadequate basis for comparison, and permitting, in cases where merchandise is sold or offered for sale through a sales agency or other organization related to the seller, consideration of the prices at which the merchandise is sold, or offered for sale, by the sales agency or other organization.

Effective Date of 1975 Amendment

Amendment by Pub. L. 93-618 applicable with respect to all merchandise which is not appraised on or before Jan. 3, 1975, but not applicable to any merchandise exported from the country of exportation before Jan. 3, 1975, which is subject to a finding under sections 160-171 of this title outstanding on Jan. 3, 1975, or revoked on or before Jan. 3, 1975, but still applicable to such merchandise, see section 321(g)(2) of Pub. L. 93-618, set out as a note under section 162 of this title.

Effective Date of 1958 Amendment

For provisions relating to effective date and applicability of the amendment to this section by Pub. L. 85-630, see section 6 of Pub. L. 85-630, set out as an Effective Date of 1958 Amendment note under section 160 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162, 163, 165 to 171 of this title.

CONSTRUCTED VALUE

§ 165. Constructed value

(a) Determination

For the purposes of sections 160 to 171 of this title, the constructed value of imported merchandise shall be the sum of—

(1) the cost of materials (exclusive of any internal tax applicable in the country of exportation directly to such materials or their disposition, but remitted or refunded upon the exportation of the article in the production of which such materials are used) and of fabrication or other processing of any kind employed in producing such or similar merchandise, at a time preceding the date of exportation of the merchandise under consideration which would ordinarily permit the production of that particular merchandise in the ordinary course of business;

(2) an amount for general expenses and profit equal to that usually reflected in sales of merchandise of the same general class or kind as the merchandise under consideration which are made by producers in the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, except that (A) the amount for general expenses shall not be less than 10 per centum of the cost as defined in paragraph (1), and (B) the amount for profit shall not be less than 8 per centum of the sum of such general expenses and cost; and

(3) the cost of all containers and coverings of whatever nature, and all other expenses incidental to placing the merchandise under consideration in condition, packed ready for shipment to the United States.

(b) Transactions disregarded; best evidence

For the purposes of this section, a transaction directly or indirectly between persons specified in any one of the paragraphs in subsection (c) of this section may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales in the market under consideration of merchandise of the same general class or kind as the merchandise under consideration. If a transaction is disregarded under the preceding sentence and there are no other transactions available for consideration, then the determination of the amount required to be considered shall be based on the best evidence available as to what the amount would have been if the transaction had occurred between persons not specified in any one of the paragraphs in subsection (c) of this section.

(c) Persons involved in disregarded transactions

The persons referred to in subsection (b) of this section are:

(1) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants;

(2) Any officer or director of an organization and such organization;

(3) Partners;

(4) Employer and employee;

(5) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting stock or shares of any organization and such organization; and

(6) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

(May 27, 1921, ch. 14, § 206, 42 Stat. 213; Aug. 14, 1958, Pub. L. 85-630, § 4(a), 72 Stat. 584.)

AMENDMENTS

1958—Subsec. (a), formerly entire section, so designated by Pub. L. 85-630, and amended by substituting "constructed value" for "cost of production", and inserting provisions excluding from consideration in determining cost of materials any internal tax applicable in the country of exportation directly to the materials or their disposition, but remitted or refunded upon the exportation of the article in the production of which the materials are used.

Subsecs. (b) and (c). Pub. L. 85-630 added subsecs. (b) and (c).

EFFECTIVE DATE OF 1958 AMENDMENT

For provisions relating to effective date and applicability of the amendment to this section by Pub. L. 85-630, see section 6 of Pub. L. 85-630, set out as an Effective Date of 1958 Amendment note under section 160 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162 to 164, 166 to 171 of this title.

EXPORTER

§ 166. Exporter defined

For the purposes of sections 160 to 171 of this title, the exporter of imported merchandise shall be the person by whom or for whose account the merchandise is imported into the United States:

(1) If such person is the agent or principal of the exporter, manufacturer, or producer; or

(2) If such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer; or

(3) If the exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

(4) If any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 per centum or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 per centum or more of such power or control in the business of the exporter, manufacturer, or producer.

(May 27, 1921, ch. 14, § 207, 42 Stat. 14.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162 to 165, 167 to 171 of this title.

OATHS AND BONDS ON ENTRY

§ 167. Oath and bond of person for whose account merchandise is imported before delivery thereof

In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary of the Treasury has made public a finding as provided in section 160 of this title, and delivery of which has not been made by the appropriate customs officer before such finding has been so made public, unless the person by whom or for whose account such merchandise is imported makes oath before such customs officer, under regulations prescribed by the Secretary, that he is not an exporter, or unless such person declares under oath at the time of entry, under regulations prescribed by the Secretary, the exporter's sales price of such merchandise, it shall be unlawful for such customs officer to deliver the merchandise until such person has made oath before such customs officer, under regulations prescribed by the said Secretary, that the merchandise has not been sold or agreed to be sold by such person, and has given bond to such customs officer, under regulations prescribed by the Secretary, with sureties approved by such customs officer, in an amount equal to the estimated value of the merchandise, conditioned: (1) That he will report to such customs officer the exporter's sales price of the merchandise within thirty days after such merchandise has been sold or agreed to be sold in the United States; (2) that he will pay on demand from such customs officer the amount of special dumping duty, if any, imposed by sections 160 to 171 of this title, upon such merchandise; and (3) that he will furnish to such customs officer such information as may be in his possession and as may be necessary for the ascertainment of such duty, and will keep such records as to the sale of such merchandise as the Secretary may by regulation prescribe.

(May 27, 1921, ch. 14, § 208, 42 Stat. 14; June 2, 1970, Pub. L. 91-271, title III, § 312, 84 Stat. 292.)

AMENDMENT

1970—Pub. L. 91-271 substituted references to the appropriate customs officer or such customs officer for references to the collector wherever appearing therein.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162 to 166, 168 to 171 of this title.

DUTIES OF CUSTOMS OFFICERS

§ 168. Appraisal

In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary of the Treasury has made public a finding as provided in section 160 of this title, and as to which the appropriate customs officer has made no appraisement before such finding has been so made public, it shall be the duty of such customs officer, by all reasonable ways and means to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of constructed value to the contrary notwithstanding) and the foreign market value or the constructed value, as the case may be, the purchase price, and the exporter's sales price, and any other facts which the Secretary may deem necessary for the purposes of sections 160 to 171 of this title.

(May 27, 1921, ch. 14, § 209, 42 Stat. 15; Aug. 14, 1958, Pub. L. 85-630, § 4(b), 72 Stat. 585; June 2, 1970, Pub. L. 91-271, title III, § 313, 84 Stat. 292.)

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer or such customs officer for references to the appraiser or person acting as appraiser wherever appearing therein, and struck out references to the report to the collector.

1958—Pub. L. 85-630 substituted "constructed value" for "cost of production".

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

For provisions relating to effective date and applicability of the amendment to this section by Pub. L. 85-630, see section 6 of Pub. L. 85-630, set out as an Effective Date of 1958 Amendment note under section 160 of this title.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out as a note under section 1 of this title. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162 to 167, 169 to 171 of this title.

PROTESTS

§ 169. Protests from determinations of customs officers

For the purposes of sections 160 to 171 of this title, the determination of the appropriate customs officer as to the foreign market value or the constructed value, as the case may be, the purchase price, and the exporter's sales price, and the action of such customs officer in assessing special dumping duty, shall have the same force and effect and be subject to the same right of protest, under the same conditions and subject to the same limitations; the United States Customs Court, and the Court of Customs and Patent Appeals shall have the same jurisdiction, powers, and duties in connection with such appeals and protests as in the case of protests relating to customs duties under existing law.

(May 27, 1921, ch. 14, § 210, 42 Stat. 15; May 28, 1926, ch. 411, § 1, 44 Stat. 669; Mar. 2, 1929, ch. 488, § 1, 45 Stat. 1475; Aug. 14, 1958, Pub. L. 85-630, § 4(b), 72 Stat. 585; June 2, 1970, Pub. L. 91-271, title III, § 314, 84 Stat. 293.)

CODIFICATION

Words "general appraisers" were deleted from this section in view of change of name to United States Customs Court by act May 28, 1926. See also section 405a of this title.

AMENDMENTS

1970—Pub. L. 91-271 substituted "appropriate customs officer" for "appraiser or person acting as appraiser" and "such customs officer" for "the collector", and struck out applicability to appeals relating to the determination of special dumping duties.

1958—Pub. L. 85-630 substituted "constructed value" for "cost of production".

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment to take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after Oct. 1, 1970, and such other articles entered or withdrawn from warehouse for consumption, prior to such date, or with respect to which a protest has not been disallowed in whole or in part before Oct. 1, 1970, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

For provisions relating to effective date and applicability of the amendment to this section by Pub. L. 85-630, see section 6 of Pub. L. 85-630, set out as an Effective Date of 1958 Amendment note under section 160 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162 to 168, 170 to 171 of this title.

DRAWBACKS

§ 170. Special duties treated as regular duties

The special dumping duty imposed by sections 160 to 171 of this title shall be treated in all respects as regular customs duties within the meaning of all laws relating to the drawback of customs duties.

(May 27, 1921, ch. 14, § 211, 42 Stat. 15.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162 to 169, 170a, 171 of this title.

DEFINITIONS

§ 170a. Definitions

For the purposes of sections 160 to 171 of this title—

(1) The term "sold or, in the absence of sales, offered for sale" means sold or, in the absence of sales, offered—

(A) to all purchasers at wholesale, or

(B) in the ordinary course of trade to one or more selected purchasers at wholesale at a price which fairly reflects the market value of the merchandise,

without regard to restrictions as to the disposition or use of the merchandise by the purchaser except that, where such restrictions are found to affect the market value of the merchandise, adjustment shall be made therefor in calculating the price at which the merchandise is sold or offered for sale.

(2) The term "ordinary course of trade" means the conditions and practices which, for a reasonable time prior to the exportation of the merchandise under consideration, have been normal in the trade under consideration with respect to merchandise of the same class or kind as the merchandise under consideration.

(3) The term "such or similar merchandise" means merchandise in the first of the following categories in respect of which a determination for the purposes of sections 160 to 171 of this title can be satisfactorily made:

(A) The merchandise under consideration and other merchandise which is identical in physical characteristics with, and was produced in the same country by the same person as, the merchandise under consideration.

(B) Merchandise (i) produced in the same country and by the same person as the merchandise under consideration, (ii) like the merchandise under consideration in component material or materials and in the purposes for which used, and (iii) approximately equal in commercial value to the merchandise under consideration.

(C) Merchandise (i) produced in the same country and by the same person and of the same general class or kind as the merchandise under consideration, (ii) like the merchandise under consideration in the purposes for which used, and (iii) which the Secretary or his delegate determines may reasonably be compared for the purposes of sections 160 to 171 of this title with the merchandise under consideration.

(4) The term "usual wholesale quantities", in any case in which the merchandise in respect of which value is being determined is sold in the market under consideration at different prices for different quantities, means the quantities in which such merchandise is there sold at the price or prices for one quantity in an aggregate volume which is greater than the aggregate volume sold at the price or prices for any other quantity.

(May 27, 1921, ch. 14, § 212, as added Aug. 14, 1958, Pub. L. 85-630, § 5, 72 Stat. 585, and amended Jan. 3, 1975, Pub. L. 93-618, title III, § 321(e), 88 Stat. 2048.)

AMENDMENTS

1975—Par. (3). Pub. L. 93-618 struck out subpar. (B) relating to merchandise which was identical in physical characteristics with, and was produced by another person in the same country as, the merchandise under consideration, subpar. (D) relating to merchandise which satisfied all the requirements of subdivision (C) except that it was produced by another person, and subpar. (F) relating to merchandise which satisfied all the requirements of subdivision (E) except that it was produced by another person, and redesignated subpars. (C) and (E) as (B) and (C), respectively.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-618 applicable with respect to all merchandise which is not appraised on or before Jan. 3, 1975, but not applicable to any merchandise exported from the country of exportation before Jan. 3, 1975, which is subject to a finding under sections 160-171 of this title outstanding on Jan. 3, 1975, or revoked on or before Jan. 3, 1975, but still applicable to such merchandise, see section 321(g)(2) of Pub. L. 93-618, set out as a note under section 162 of this title.

EFFECTIVE DATE

For provisions relating to effective date and applicability of this section, see section 6 of Pub. L. 85-630, set out as an Effective Date of 1958 Amendment note under section 160 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160 to 169, 171 of this title.

SHORT TITLE

§ 171. Citation

Sections 160 to 171 of this title may be cited as the "Antidumping Act, 1921."

(May 27, 1921, ch. 14, § 213, formerly § 212, 42 Stat. 15, renumbered Aug. 14, 1958, Pub. L. 85-630, § 5, 72 Stat. 585.)

ACT REFERRED TO IN OTHER SECTIONS

The Antidumping Act, 1921 is referred to in sections 172, 173, 1337, 1651, 2251 and 2411 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections, 160, 162 to 170a, 172, 173 of this title.

ADDITIONAL DEFINITIONS

§ 172. Additional definitions

When used in sections 160 to 171 of this title—

The term "person" includes individuals, partnerships, corporations, and associations; and

The term "United States" includes all Territories and possessions subject to the jurisdiction of the United States, except the Virgin Islands, the islands of Guam and Tutuila, and the Canal Zone.

(May 27, 1921, ch. 14, § 406, 42 Stat. 18; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

Words "the Philippine Islands," referred to in the text, were omitted on authority of Proc. No. 2695, which is set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse, and in which the President proclaimed the independence of the Philippines.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 173 of this title.

RULES AND REGULATIONS

§ 173. Rules and regulations

The Secretary shall make rules and regulations necessary for the enforcement of sections 160 to 172 of this title.

(May 27, 1921, ch. 14, § 407, 42 Stat. 18.)

CODIFICATION

This section, prior to its incorporation into the Code, provided that the Secretary should make rules and regulations necessary for the enforcement of "this Act." Titles I and V of that Act were expressly repealed by act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 160 of this title.

UNFAIR METHODS OF COMPETITION AND IMPORTATION UNLAWFUL

§§ 174 to 180. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, § 316(a) to (g), 42 Stat. 943, 944, related to unfair acts tending to destroy or injure domestic industries, investigations by Tariff Commission, appeals, and forbidding entry of articles pending completion of investigations.

Provisions of Tariff Act of 1930 corresponding to section 174, see section 1337(a) of this title; section 175, see section 1337(b); section 176, see section 1337(c); section 177, see section 1337(d); section 178, see section 1337(e); section 179, see section 1337(f); section 180, see section 1337(g).

IMPORTS FROM COUNTRIES MAKING DISCRIMINATIONS

§ 181. Exclusion of imports from countries making discriminations

Whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require.

(Aug. 30, 1890, ch. 839, § 5, 26 Stat. 415.)

CROSS REFERENCES

Additional duties on or exclusion of products of countries discriminating against United States, see section 1338 of this title.

§§ 182 to 190. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, § 317(a) to (i), 42 Stat. 944 to 946, related to new or additional duties on imports from countries making discriminations against United States products, suspension, exclusion and enforcement provisions. Provisions of Tariff Act of 1930 corresponding to section 182, see section 1338(a) of this title; section 183, see section 1338(b) of this title; section 184, see section 1338(c) of this title; section 185, see section 1338(d) of this title; section 186, see section 1338(e) of this title; section 187, see section 1338(f) of this title; section 188, see section 1338(g) of this title; section 189, see section 1338(h) of this title; section 190, see section 1338(i) of this title.

SPECIAL PROVISIONS

§§ 191, 192. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), (4), 46 Stat. 762, eff. June 18, 1930

Section 191, act Sept. 21, 1922, ch. 356, title III, § 322, 42 Stat. 948, related to duties on automobiles, etc., sold foreign Governments.

Section 192, R.S. § 2804; act Aug. 27, 1894, ch. 349, § 26, 28 Stat. 552, related to entry of cigars.

§§ 193 to 195. Repealed. Pub. L. 87–456, title III, § 303(c), May 24, 1962, 76 Stat. 78

Section 193, act Jan. 9, 1883, ch. 17, 22 Stat. 402, related to grain brought from Canada for grinding. See Revised Tariff Schedules set out in section 1202 of this title.

Section 194, act May 18, 1896, ch. 195, 29 Stat. 122, provided for the return free of articles and livestock exported for exhibition. See Revised Tariff Schedules set out in section 1202 of this title.

Section 195, act Mar. 3, 1899, ch. 454, 30 Stat. 1372, provided for free entry of animals taken abroad with circus or menagerie. See Revised Tariff Schedules set out in section 1202 of this title.

§ 196. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title III, § 319, 42 Stat. 947, related to duties imposed on certain previous imports and basis upon weight at time of entry.

§ 196a. Repealed. Pub. L. 87–456, title III, § 303(c), May 24, 1962, 76 Stat. 78

Section, act Aug. 27, 1949, ch. 517, § 1, 63 Stat. 666, provided for free importation of articles for members of armed forces of foreign countries. See Revised Tariff Schedules set out in section 1202 of this title.

EFFECTIVE DATE OF REPEAL

For effective date of repeal see section 501(a) of Pub. L. 87–456, set out as an Effective Date of Tariff Classification Act of 1962 note preceding section 1202 of this title.

PAYMENT OF DUTY

§ 197. Duties, how payable

Except as provided in section 198 of this title all duties upon imports shall be collected in ready money, and shall be paid in gold and silver coin, coin certificates, and such other certificates or Treasury notes as may by law be declared receivable in payment thereof.

(R.S. §§ 3009, 3473; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 247, 249.)

CODIFICATION

R.S. § 3009 was from acts Mar. 2, 1833, ch. 55, § 3, 4 Stat. 630; Aug. 6, 1846, ch. 84, § 1, 9 Stat. 53; Feb. 25, 1862, ch. 33, § 5, 12 Stat. 346.

R.S. § 3473 was from act Aug. 6, 1846, ch. 90, § 18, 9 Stat. 64, and other acts including section 23 of act June 3, 1864, ch. 106, 13 Stat. 106. The act of June 3, 1864 is the National Bank Act, see section 38 of Title 12, Banks and Banking.

Provisions of R.S. § 3473 relating to payment of taxes and all other debts and demands than duties on imports, are set out in section 198 of Title 31, Money and Finance.

Prior to its incorporation into the Code, R.S. § 3009, as amended by act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 247, read as follows:

"All duties upon imports shall be collected in ready money, and shall be paid in coin or coin certificates or in United States notes, payable on demand, authorized to be issued prior to the twenty-fifth day of February, one thousand eight hundred and sixty-two, and by law receivable in payment of public dues."

R.S. § 3473 as amended by act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 249, read as follows:

"All duties on import shall be paid in gold and silver coin only, coin certificates or in demand Treasury notes, issued under the authority of the acts of July seventeen, eighteen hundred and sixty-one, chapter five; and February twelve, eighteen hundred and sixty-two, chapter twenty; and all taxes and all other debts and demands than duties on imports, accruing or becoming due to the United States, shall be paid in gold and silver coin, Treasury notes, United States notes, or notes of national banks."

Their provisions were changed to conform to section 198 of this title authorizing the receipt of certified checks in payment of duties; section 405 of Title 31, Money and Finance (act Feb. 28, 1878, ch. 20, § 3, 20 Stat. 26) making certain certificates and treasury notes receivable for customs; section 451 of Title 31, Money and Finance (act Dec. 24, 1919, ch. 15, § 1, 41 Stat. 370) making gold certificates a legal tender in payment of all debts and dues, public and private; and a provision of act Mar. 14, 1900, ch. 41, § 6, 31 Stat. 47, as amended (omitted from the Code as superseded by section 451 of Title 31, Money and Finance) that gold certificates should be receivable for customs.

CROSS REFERENCES

Coins and currencies of United States as legal tender for all public debts, charges, taxes, duties, and dues, see section 392 of Title 31, Money and Finance.

Gold coin discontinued and existing gold coins withdrawn from circulation, see section 315b of Title 31.

Provisions for payment of obligations in gold as against public policy, see section 463 of Title 31.

§ 198. Certified checks; receivable for all public dues; lien for payment of

It shall be lawful for collecting officers to receive certified checks drawn on National and State banks and trust companies, during such time and under such regulations as the Secretary of the Treasury may prescribe, in payment for duties on imports, and all public dues, including special customs deposits. No person, however, who may be indebted to the United States on account of duties on imports who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this section, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

(Mar. 2, 1911, ch. 191, § 1, 36 Stat. 965; Mar. 3, 1913, ch. 119, 37 Stat. 733.)

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Collecting officers, referred to in this section, are officials of the Treasury Department.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 197 of this title.

§ 199. Judgments, how payable

In all proceedings brought by the United States in any court for due recovery as well of duties upon imports alone as of penalties for the nonpayment thereof, the judgment shall recite that the same is rendered for duties, and such judgment, interest, and costs shall be payable in the coin by law receivable for duties, and the execution issued on such judgment shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution.

(R.S. § 3014.)

CODIFICATION

R.S. § 3014 was from act Mar. 3, 1865, ch. 80, § 12, 13 Stat. 494.

FEDERAL RULES OF CIVIL PROCEDURE

Effect of rule 69 on this section, see note by Advisory Committee under rule 69 of Title 28, Appendix, Judiciary and Judicial Procedure.

Execution, see rule 69.

SUBTITLE IV—CUSTOMS ADMINISTRATION

ADMINISTRATIVE PROVISIONS

PART 1—DEFINITIONS

§ 231. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762

Section, act Sept. 21, 1922, ch. 356, title IV, § 401, 42 Stat. 948, related to definitions of terms of Tariff Act of 1922.

Corresponding provisions of Tariff Act of 1930, see section 1401 of this title.

§ 232. "Port" defined

The word "port", as used in this title, may include any place from which merchandise can be shipped for importation, or at which merchandise can be imported.

(R.S. § 2767.)

REFERENCES IN TEXT

This title, referred to in text, means title 34 (§§ 2517 to 3129) of the Revised Statutes, which is classified to sections 5, 6, 8, 9 to 11, 31, 32, 37, 129, 232, 233, 240, 257, 258, 282, 283, 286 to 294, 338 to 341, 391, 482, 507, 508, 528, 574 of this title, and sections 110 to 112, 123, 124 of Title 46, Shipping. For complete classification of sections 2517 to 3129 of the Revised Statutes to the Code, see Tables volume.

§ 233. Departure from prescribed forms

In cases where the forms of official documents, as prescribed by this title, shall be substantially complied with and observed, according to the true intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom.

(R.S. § 2769.)

REFERENCES IN TEXT

This title, referred to in text, means title 34 (§§ 2517 to 3129) of the Revised Statutes, which is classified to sections 5, 6, 8, 9 to 11, 31, 32, 37, 129, 232, 233, 240, 257, 258, 282, 283, 286 to 294, 338 to 341, 391, 482, 507, 508, 528, 574 of this title, and sections 110 to 112, 123, 124 of Title 46, Shipping. For complete classification of sections 2517 to 3129 of the Revised Statutes to the Code, see Tables volume.

CODIFICATION

R.S. § 2769 was from act Mar. 2, 1799, ch. 22, § 111, 1 Stat. 704.

§§ 234 to 239. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, § 402(a) to (f), 42 Stat. 949, 950, related to valuation of imported merchandise, ascertainment of foreign, export, United States value, cost of production, American selling price and value at date of shipment.

Provisions of Tariff Act of 1930 corresponding to section 234, see section 1402(a) of this title; section 235, see section 1402(c) of this title; section 236, see section 1402(d) of this title; section 237, see section 1402(e) of this title; section 238, see section 1402(f) of this title; section 239, see section 1402(g) of this title.

§ 240. Value at date of shipment

When the duty upon any imports shall be subject to be levied upon the true market value of such imports in the principal markets of the country from whence the importation has been made, or at the port of exportation, the duty shall be estimated and collected upon the value on the day of actual shipment, whenever a bill of lading shall be presented showing the date of shipment, and which shall be certified by a certificate of the United States consul or legally authorized deputy.

(R.S. § 2904.)

CODIFICATION

R.S. § 2904 was from act Mar. 2, 1861, ch. 68, § 28, 12 Stat. 197.

PART 2—REPORT ENTRY, AND UNLADING OF VESSELS AND VEHICLES

§§ 241 to 256. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 431 to 446, 42 Stat. 950 to 953, related to form and contents of manifests, clearance documents, bonds, permits and penalties for violation of same.

Provisions of Tariff Act of 1930 corresponding to sections 241 to 256, see sections 1431 to 1446 of this title, respectively.

§§ 257, 258. Repealed. Pub. L. 91-654, § 3, Jan. 5, 1971, 84 Stat. 1945

Section 257, R.S. § 3114; acts Sept. 21, 1922, ch. 356, title IV, § 466, 42 Stat. 957; June 17, 1930, ch. 497, title IV, § 466, 46 Stat. 719, related to duties on equipments or repair parts for vessels. See section 1466(a) of this title.

Section 258, R.S. § 3115; acts Sept. 21, 1922, ch. 356, title IV, § 466, 42 Stat. 957; June 17, 1930, ch. 497, title IV, § 466, 46 Stat. 719; Aug. 8, 1953, ch. 397, § 11(c), 67 Stat. 515, related to the remission of duties for necessary repairs. See section 1466(b) of this title.

EFFECTIVE DATE OF REPEAL

Section 3 of Pub. L. 91-654 provided in part that the repeal by Pub. L. 91-654 is effective with respect to entries made in connection with arrivals of vessels on or after Jan. 5, 1971 (or treated under section 2 of Pub. L. 91-654, set out as a note under section 1466 of this title, as made on the day after such date).

PROVISIONS INAPPLICABLE TO ENTRIES MADE IN CONNECTION WITH ARRIVALS BEFORE JANUARY 5, 1971, OF VESSELS OPERATED BY OR FOR AGENCY OF UNITED STATES; REFUNDS AFTER AUGUST 7, 1974, BARRED AS TO DUTY PAYMENTS MADE BEFORE JANUARY 5, 1971, UNDER SECTION 257

Pub. L. 93-368, §§ 1, 2, Aug. 7, 1974, 88 Stat. 420, provided:

"That sections 3114 and 3115 of the Revised Statutes of the United States (19 U.S.C. 257 and 258) [former sections 257 and 258 of this title] shall not apply to entries made in connection with arrivals before January 5, 1971, of vessels owned by the United States, or bareboat chartered to the United States, and operated by or for the account of any department or agency of the United States.

"SEC. 2. On or after the date of the enactment of this Act [Aug. 7, 1974], no department or agency of the United States shall be entitled to a refund of any duties paid before January 5, 1971, by any department or agency of the United States under section 3114 of the Revised Statutes of the United States [section 257 of this title]."

§§ 259, 260. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 447, 448, 42 Stat. 953, related to place of entry and unlading before entry or report of arrival.

Provisions of Tariff Act of 1930 corresponding to section 259, see section 1447 of this title; section 260, see section 1448 of this title.

§ 261. Boarding officers' compensation

Customs officers acting as boarding officers shall be allowed extra compensation for services in boarding vessels at night or on Sundays or holidays—at the rate prescribed by the Secretary of the Treasury as provided in section 267 of this title, the said extra compensation to be paid by the master, owner, agent, or consignee of such vessels.

(Feb. 13, 1911, ch. 46, § 5, 36 Stat. 901; Feb. 7, 1920, ch. 61, 41 Stat. 402; Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 990; June 2, 1970, Pub. L. 91-271, title III, § 315, 84 Stat. 293.)

CODIFICATION

This section originally contained a provision authorizing the officers to whom reference is made in text to administer the oath or affirmation provided for in the act of February 13, 1911. The sections of said act providing for an oath or affirmation were repealed by act Sept. 21, 1922. Present provisions relating to the administration of oaths by customs officers are contained in section 1486 of this title.

AMENDMENTS

1970—Pub. L. 91-271 struck out "and any customs officer who may be designated for that purpose by the collector of customs," following "boarding officers".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in this section, are within the Treasury Department.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5549.

§§ 262 to 266. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 449 to 453, 42 Stat. 954, 955, related to emergency cases of unlading bonds for special licenses and penalties for violation.

Provisions of Tariff Act of 1930 corresponding to section 262, see section 1449 of this title; section 263, see section 1450 of this title; section 264, see section 1451 of this title; section 265, see section 1452 of this title; section 266, see section 1453 of this title.

§ 267. Compensation for overtime services; fixing working hours

The Secretary of the Treasury shall fix a reasonable rate of extra compensation for overtime services of customs officers and employees who may be required to remain on duty between the hours of five o'clock postmeridian and eight o'clock antemeridian, or on Sundays or holidays, to perform services in connection with the lading or unlading of cargo, or the lading of cargo or merchandise for transportation in bond or for exportation in bond or for exportation with benefit of drawback, or in connection with the receiving or delivery of cargo on or from the wharf, or in connection with the unlading, receiving, or examination of passengers' baggage, such rates to be fixed on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond five o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from five o'clock postmeridian to eight o'clock antemeridian), and two additional days' pay for Sunday or holiday duty. The said extra compensation shall be paid by the master, owner, agent, or consignee of such vessel or other conveyance whenever such special license or permit for immediate lading or unlading or for lading or unlading at night or on Sundays or holidays shall be granted to the appropriate customs officer, who shall pay the same to the several customs officers and employees entitled thereto according to the rates fixed therefor by the Secretary of the Treasury. Such extra compensation shall be paid if such officers or employees have been ordered to report for duty and have so reported, whether the actual lading, unlading, receiving, delivery, or examination takes place or not. In those ports where customary working hours are other than those hereinabove mentioned, the appropriate customs officer is vested with authority to regulate the hours of customs employees so as to agree with prevailing working hours in said ports, but nothing contained in this section shall be construed in any manner to affect or alter the length of a working day for customs employees or the overtime pay herein fixed.

(Feb. 13, 1911, ch. 46, § 5, 36 Stat. 901; Feb. 7, 1920, ch. 61, 41 Stat. 402; June 2, 1970, Pub. L. 91-271, title III, § 316, 84 Stat. 293.)

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector of customs wherever appearing therein, and struck out reference to inspectors, storekeepers, weighers, and other customs officers and employees.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in this section, are within the Treasury Department.

PRIOR PROVISIONS

Section was from R.S. § 2872, as amended by act June 26, 1884, ch. 121, § 25, 23 Stat. 59.

CROSS REFERENCES

Overtime compensation, see section 5541 et seq. of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 261, 1451, 1451a of this title; title 5 section 5549.

§§ 268 to 272. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 454 to 458, 42 Stat. 955, 956, related to duties and compensation of boarding and discharging inspectors, custody of cargo not unladen promptly, unlading at risk of consignee and time for unlading bulk cargo.

Provisions of Tariff Act of 1930 corresponding to section 268, see section 1455 of this title; section 269, see section 1456 of this title; section 270, see section 1457 of this title; section 271, none; section 272, see section 1458 of this title.

§§ 273, 274. Repealed. Aug. 8, 1953, ch. 397, § 4(b), 67 Stat. 509

Sections, R.S. §§ 2885, 2886, required the containers of imported liquors or distilled spirits to be marked or scored at the port of landing with the capacity, wine gallons, proof, proof gallons, and other detailed information, such marks to be obliterated upon sale.

EFFECTIVE DATE OF REPEAL

Section 1 of act Aug. 8, 1953, provided in part that such act should be effective, except as otherwise specifically provided for, on and after the thirtieth day following the date of its enactment (Aug. 8, 1953).

The exception "except as otherwise specifically provided for" apparently refers to the amendments made to the provisions preceding subd. (1) of section 1308 of this title and to section 1557(b) of this title, for which separate effective dates were provided as explained in notes under those sections.

SAVINGS CLAUSE

Section 23 of act Aug. 8, 1953, provided: "Except as may be otherwise provided for in this Act, the repeal of existing law or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal case prior to such repeal or modification, but all liabilities under such laws shall continue, except as otherwise specifically provided in this Act, and may be enforced in the same manner as if such repeal, or modification had not been made."

§§ 275 to 281. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 459 to 465, 42 Stat. 956, 957, related to documentary reports, manifests, permits on imports from contiguous countries and enforcement provisions.

Provisions of Tariff Act of 1930 corresponding to sections 275 to 281, see sections 1459 to 1465 of this title, respectively.

§ 282. Oath of master

In the oath to be taken by the master of any vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States on making a report of merchandise purchased in a foreign country for the use of the vessel, he shall declare that such articles purchased for use of the vessel, designated "sea stores", are truly intended for the use exclusively of the vessel, and are not intended for sale, transfer, or private use. If any greater quantity of dutiable articles shall be found on board such vessel than are specified in such report or entry of such articles, or any part thereof shall be landed without a permit from an officer of the customs, such articles, together with the vessel, her apparel, tackle, and furniture, shall be forfeited.

(R.S. § 3111; Pub. L. 91-271, title III, § 317, June 2, 1970, 84 Stat. 293.)

CODIFICATION

R.S. § 3111 was from acts July 18, 1866, ch. 201, § 22, 14 Stat. 183; Feb. 10, 1871, ch. 45, § 1, 16 Stat. 408.

AMENDMENTS

1970—Pub. L. 91-271 struck out "other or" following "If any", and substituted "an officer of the customs" for "a collector or other officer of the customs".

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Transfer of Functions

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Officers of the customs, referred to in this section, are within the Treasury Department.

Cross References

Libel of vessels or vehicles where owner or master has violated customs-revenue laws, see section 1594 of this title.

List of supplies of vessel arriving from a contiguous country to be filed by the master with the manifest, see section 1465 of this title.

§ 283. Duty on saloon stores

Articles purchased for the use of or for sale on board any such vessel, as saloon stores or supplies, shall be deemed merchandise, and shall be liable, when purchased at a foreign port, to entry and the payment of the duties found to be due thereon, at the first port of arrival of such vessel in the United States; and for a failure on the part of the saloon keeper or person purchasing or owning such articles to report, make entries, and pay duties, as hereinbefore required, such articles, together with the fixtures and other merchandise, found in such saloon or on or about such vessel, belonging to and owned by such saloon keeper or other person interested in such saloon, shall be seized and forfeited, and such saloon keeper or other person so purchasing and owning shall be liable to a penalty of not less than $100 and not more than $500, and shall be punishable by imprisonment for not less than three months and not more than two years.

(R.S. § 3113.)

Codification

R.S. § 3113 was from acts July 18, 1866, ch. 201, § 22, 14 Stat. 183; Feb. 10, 1871, ch. 45, § 1, 16 Stat. 409.

§§ 284, 285. Repealed. July 3, 1926, ch. 757, § 3, 44 Stat. 832

Sections, R.S. §§ 3116, 3117, related to manifests of vessels in coasting trade and entry for goods taken or delivered at intermediate ports.

§ 286. Departure for place where no customhouse

The master of any vessel so enrolled or licensed shall, before departing from a port in one collection district to a place in another collection district, where there is no customhouse, file his manifest, and obtain a clearance in the same manner, and make oath to the manifest, which manifest and clearance shall be delivered to the proper officer of customs at the port at which the vessel next arrives after leaving the place of destination specified in the clearance.

(R.S. § 3118.)

Codification

R.S. § 3118 was from act July 1, 1870, ch. 185, § 1, 16 Stat. 176.

Transfer of Functions

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by 1281, Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Officers of customs, referred to in this section, are within the Treasury Department.

Section Referred to in Other Sections

This section is referred to in sections 287, 291, 292 of this title.

§ 287. Report and unlading of cargoes

Nothing contained in section 286 of this title shall exempt masters of vessels from reporting, as required by law, any merchandise destined for any foreign port. No permit shall be required for the unlading of cargo brought from an American port.

(R.S. § 3119.)

Codification

R.S. § 3119 was from act July 1, 1870, ch. 185, § 1, 16 Stat. 177.

Section Referred to in Other Sections

This section is referred to in sections 291, 292 of this title.

§ 288. Enrolled or licensed vessels

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Commissioner of Customs may prescribe, notwithstanding any other provisions of law: *Provided,* That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel.

(R.S. § 2793; Sept. 25, 1941, ch. 423, 55 Stat. 733; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

CODIFICATION

R.S. § 2793 was from Res. Feb. 10, 1871, No. 27, § 2, 16 Stat. 595.

AMENDMENTS

1941—Act Sept. 25, 1941, added exception and proviso at end of section.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101 to 104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097. See the Appendix to title 5.

§ 289. Entry of ferryboats; vessels exempt from fees

The masters of vessels used exclusively as ferryboats carrying passengers, baggage, and merchandise shall not be required to pay clearance fees.

Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from clearance fees while such service triweekly or oftener is maintained.

(R.S. § 2792; May 28, 1908, ch. 212, § 1, 35 Stat. 424.)

CODIFICATION

R.S. § 2792 was from act June 4, 1872, ch. 280, 17 Stat. 214.

§ 290. Departure from place where there is no customhouse

The master of any vessel so enrolled or licensed, destined with a cargo from a place in the United States, at which there may be no customhouse, to a port where there may be a customhouse, shall, within twenty-four hours after arrival at the port of destination, deliver to the proper officer of the customs a manifest, subscribed by him, setting forth the cargo laden at the place of departure, or laden or unladen at any intermediate port, or place, to the truth of which manifest he shall make oath before such officer. If the vessel, however, have no cargo, the master shall not be required to deliver such manifest.

(R.S. § 3122.)

CODIFICATION

R.S. § 3122 was from act July 1, 1870, ch. 185, § 2, 16 Stat. 177.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. Government Organization and Employees. Officers of customs, referred to in this section, are within the Treasury Department.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 291, 292 of this title.

§ 291. Forms

The manifests, certificates of clearance, and oaths, provided for by sections 286, 287, and 290 of this title, shall be in such form, and prepared, filled up, and executed in such manner as the Secretary of the Treasury and the Commissioner of Customs may from time to time prescribe.

(R.S. § 3124; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

CODIFICATION

R.S. § 3124 was from act July 1, 1870, ch. 185, § 4, 16 Stat. 177.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, §§ 101 to 104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097. See the Appendix to title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 292 of this title.

§ 292. Penalty for neglect

If the master of any enrolled or licensed vessel shall neglect or fail to comply with any of the provisions or requirements of sections 286, 287, 290, and 291 of this title, such master shall forfeit and pay to the United States the sum of $20 for each and every failure or neglect, and for which sum the vessel shall be liable, and may be summarily proceeded against, by way of libel, in any district court of the United States.

(R.S. § 3125.)

CODIFICATION

R.S. § 3125 was from act July 1, 1870, ch. 185, § 5, 16 Stat 177.

CROSS REFERENCES

Vessels or vehicles made subject to seizure for payment of penalty for violation of the customs laws, see section 1594 of this title.

§ 293. Registered vessels touching at foreign ports

Any vessel, on being duly registered in pursuance of the laws of the United States, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage, and letters, and mails. All such vessels shall be furnished by the appropriate customs officers of the ports at which they shall take in their cargoes in the United States, with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered; designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse; and the masters of all such vessels shall, on their arrival at any port of the United States from any foreign port at which such vessel may have touched, as herein provided, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and entry of vessels from foreign ports, and be subject to all the penalties therein prescribed.

(R.S. § 3126; Pub. L. 91-271, title III, § 318, June 2, 1970, 84 Stat. 293.)

CODIFICATION

R.S. § 3126 was from act May 27, 1848, ch. 48, § 1, 9 Stat. 232.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to appropriate customs officers for reference to collectors.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in this section, are within the Treasury Department.

§ 294. No duty by reason of registered vessel touching at foreign port

Any foreign merchandise taken in at one port of the United States to be conveyed in registered vessels to any other port within the same, either under the provisions relating to warehouses, or under the laws regulating the transportation coastwise of merchandise entitled to drawback, as well as any merchandise not entitled to drawback, but on which the import duties chargeable by law shall have been duly paid, shall not become subject to any import duty by reason of the vessel in which they may arrive having touched at a foreign port during the voyage.

(R.S. § 3127.)

CODIFICATION

R.S. § 3127 was from act May 27, 1848, ch. 48, § 2, 9 Stat. 232.

PART 3—ASCERTAINMENT, COLLECTION, AND RECOVERY OF DUTIES

§§ 331 to 337. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 481(a) to (c), 482(a) to (d), 42 Stat. 958, related to contents of invoices, certification in different consular districts and declarations indorsed on invoices.

Provisions of Tariff Act of 1930 corresponding to section 331, see section 1481(a) of this title; section 332, see section 1481(b) of this title; section 333, see section 1481(c) of this title; section 334, see section 1482(a) of this title; section 335, see section 1482(b) of this title; section 336, see section 1482(c) of this title; section 337, see section 1482(d) of this title.

Sections 331 to 333 were repealed effective on day after enactment of repealing act.

Sections 334 to 337 were repealed effective sixty days after enactment of repealing act.

§ 338. Indorsement upon invoice; port of entry

The person producing an invoice for certification shall at the same time declare to the consul or vice consul the port in the United States at which it is intended to make entry of merchandise; whereupon the consul, or vice consul, shall indorse upon each of the triplicates a certificate, under his hand and official seal, stating that the invoice has been produced to him, with the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the merchandise therein mentioned.

(R.S. § 2855; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 2855 was from act Mar. 3, 1863, ch. 76, § 1, 12 Stat. 738.

§ 339. Restriction on consular certificates

No consular officer of the United States shall grant a certificate for merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment.

(R.S. § 2861.)

CODIFICATION

R.S. § 2861 was from act Feb. 22, 1873, ch. 184, § 3, 17 Stat. 474.

§ 340. Consuls to exact proof of invoice

All consular officers are authorized to require, before certifying any invoice, satisfactory evidence, either by the oath of the person presenting such invoices or otherwise, that such invoices are correct and true. In the exercise of the discretion hereby given, the consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State.

(R.S. § 2862.)

CODIFICATION

R.S. § 2862 was from act Mar. 3, 1865, ch. 111, 13 Stat. 532.

CROSS REFERENCES

Invoices covering merchandise to be certified, see section 1482 of this title.

§ 341. Fraudulent practices; consul's report

All consuls of the United States having any knowledge or belief of any case or practice of any person who obtains verification of any invoice whereby the revenue of the United States is or may be defrauded, shall report the facts to the appropriate customs officer of the port where the revenue is or may be defrauded, or to the Secretary of the Treasury.

(R.S. § 2863; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; June 2, 1970, Pub. L. 91-271, title III, § 319, 84 Stat. 293.)

CODIFICATION

R.S. § 2863 was from act July 14, 1862, ch. 163, § 18, 12 Stat. 559.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in this section, are within the Treasury Department.

§§ 342 to 375. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 482(e), (f), 483, 484(a) to (g), 485(a) to (f), 486 to 497, 498(a), (b), 499, and 500(a), (b), (c), 42 Stat. 959 to 965, related to ascertainment, collection and recovery of goods.

Provisions of Tariff Act of 1930 corresponding to section 342, see section 1482(e) of this title; section 343, see section 1482(f) of this title; section 344, see section 1483 of this title; section 345, see section 1484(a) of this title; section 346, see section 1484(b) of this title; section 347, see section 1484(c) of this title; section 348, see section 1484(d) of this title; section 349, see section 1484(e) of this title; section 350, see section 1484(f) of this title; section 351, see section 1484(g) of this title; section 352, see section 1485(a) of this title; section 353, see section 1485(b) of this title; section 354, see section 1485(c) of this title; section 355, see section 1485(d) of this title; section 356, see section 1485(e) of this title; section 357, see section 1485(f) of this title; section 358, none, but see section 1623 of this title; section 359, see section 1487 of this title; section 360, see section 1488 of this title; section 361, see section 1503(b) of this title; section 362, see section 1490 of this title; section 363, see section 1491 of this title; section 364 see section 1492 of this title; section 365, see section 1493 of this title; section 366, see section 1494 of this title; section 367, see section 1495 of this title; section 368, see section 1496 of this title; section 369, see section 1497 of this title; section 370, see section 1498(a) of this title; section 371, see section 1498(b) of this title; section 372, see section 1499 of this title; section 373, see section 1500(a) of this title; section 374, see section 1500(b) of this title; section 375, see section 1500(d) of this title.

Sections 342, 343 were repealed effective sixty days after enactment of repealing act.

Sections 344 to 375 were repealed effective on day following date of enactment of repealing act.

§ 376. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(10), 70 Stat. 947

Section, R.S. § 2615, related to report of assistant appraiser at New York.

§ 377. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, § 500(d), 42 Stat. 966, related to duties of examiners. Corresponding provisions of Tariff Act of 1930, see section 1500(e) of this title.

§ 378. Repealed. Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1349

Section, R.S. § 2938, related to appraiser as special examiner.

Section 2 of the repealing act provided that rights or liabilities existing under this section on Feb. 28, 1933, should not be affected thereby.

§ 379. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(25), 70 Stat. 947

Section, R.S. § 2612, provided for instructions to prevent importation of adulterated drugs. Special examiners of drugs are no longer appointed and functions with relation to adulterated drugs are now covered by section 321 et seq. of Title 21, Food and Drugs.

§§ 380 to 389. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 500(e), 501, 502(a) to (c), 503 to 507, 42 Stat. 966 to 968, related to appeals for reappraisement, regulations for appraisal and classification, etc., and reversal or modification of rulings of Secretary of Treasury.

Provisions of Tariff Act of 1930 corresponding to section 380, see section 1500(f) of this title; section 381, see section 1501 of this title; section 382, see section 1502(a) of this title; section 383, see section 1502(b) of this title; section 384, see section 1502(c) of this title; section 385, see sections 1503 and 1504 [repealed] of this title; section 386, see section 1505 of this title; section 387, see section 1506 of this title; section 388, see section 1507 of this title; section 389, see section 1508 [repealed] of this title.

§ 390. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(26), 70 Stat. 948

Section, R.S. § 2918, provided for the adoption of a hydrometer for use in ascertaining the proof of liquors, and is covered generally by section 5204(b) of Title 26, Internal Revenue Code.

§ 391. Ascertainment of duties on grain

For the purpose of estimating the duties on importations of grain, the number of bushels shall be ascertained by weight, instead of by measuring; and sixty pounds of wheat, fifty-six pounds of corn, fifty-six pounds of rye, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of peas, and forty-two pounds of buckwheat, avoirdupois weight, shall respectively be estimated as a bushel.

(R.S. § 2919.)

CODIFICATION

R.S. § 2919 was from act July 18, 1866, ch. 201, § 38, 14 Stat. 187.

§§ 392 to 405. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 508 to 518, 42 Stat. 968 to 972, related to examination of importers, consignees, agents, etc.

The following table shows the distribution of former sections to the present similar provisions in the Tariff Act of 1930, as incorporated in this title.

Former section:	Present section
392	1509
393	1510
394	
395	1511
396	1512
397	1513
398	1514
399	1515
400	1516(a)
401	1516(b)
402	1516(c)
403	
405	

§ 405a. "Board of General Appraisers" renamed "United States Customs Court"; title of members

The Board of General Appraisers shall hereafter be known as the United States Customs Court and the members thereof shall hereafter be known as the judges of the United States Customs Court.

(May 28, 1926, ch. 411, § 1, 44 Stat. 669; June 25, 1948, ch. 646, § 22, 62 Stat. 990.)

AMENDMENTS

1948—Act June 25, 1948, substituted "judges" for "Chief justice and the associate justices".

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment be effective Sept. 1, 1948.

CROSS REFERENCES

Appointment and number of judges, see section 251 of Title 28, Judiciary and Judicial Procedure.

Customs Court, see section 1581 et seq. of Title 28.

§§ 406 to 409. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 519, 520(a), (b), 521, 42 Stat. 973, related to copies of decisions of United States Customs Court for Collectors and Secretary of the Treasury, refund of duties and liquidation of duties.

Provisions of Tariff Act of 1930 corresponding to section 406, see section 1519 of this title [repealed]; section 407, see section 1520(a) of this title; section 408, see section 1520(b) of this title; section 409, see section 1521 of this title.

§§ 413 to 419. Repealed. June 17, 1930, ch. 497, title IV, §§ 641(e), 651(a)(1), 46 Stat. 760, 762, eff. June 18, 1930

Sections 413, 414, act Sept. 21, 1922, ch. 356, title IV §§ 524, 525, 42 Stat. 975, related to disposal of receipts and detail from field service for Washington duty.

Sections 415 to 419, act June 10, 1910, ch. 283, §§ 1 to 5, 36 Stat. 464, 465, related to issuance and revocation of customshouse broker's licenses. Repeal was subject to an exception as follows: "Except that any license issued * * * shall continue in force and effect, subject to suspension and revocation in the same manner and upon the same conditions as licenses issued pursuant to subdivision (a) of this section." Subdivision (a) is set forth in section 1641 of this title, and such section now regulates the licensing of customhouse brokers. Subsection (e) of section 641, act of 1930, the repealing act, was repealed by act August 26, 1935, ch. 689, § 5, 49 Stat. 865, but sections 415 to 419 of this title were not thereby revived.

Provisions of Tariff Act of 1930 corresponding to section 413, see section 1524 of this title; section 414, see section 1525 [repealed] of this title; sections 415 to 419, see section 1641 of this title.

§ 420. Repealed. Pub. L. 87-456, title III, § 303(c), May 24, 1962, 76 Stat. 78

Section, R.S. § 2951, defined the word "ton" and was previously omitted from the Code. See Revised Tariff Schedules set out in section 1202 of this title.

EFFECTIVE DATE OF REPEAL

For effective date of repeal by Pub. L. 87-456, see section 501(a) of Pub. L. 87-456, set out as an Effective Date of Tariff Classification Act of 1962 note preceding section 1202 of this title.

PART 4—TRANSPORTATION IN BOND AND WAREHOUSING OF MERCHANDISE

§§ 451 to 459. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 42 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 551 to 559, 42 Stat. 975 to 977, related to carriers of bonded merchandise, transportation restrictions, bonds, regulations, and abandonment of merchandise in bonded warehouses.

The following table shows the distribution of former sections to the present similar provisions in the Tariff Act of 1930, as incorporated in this title.

Former section:	Present section
451	1551
452	1552
453	1553
454	1554
455	1555
456	1556
457	1557
458	1558
459	1559

§ 460. Retention of distilled spirits, wines, etc., in warehouse during prohibitory period

Under regulations prescribed by the Secretary of the Treasury, any imported distilled spirits, wines, or other liquors which may be in any customs bonded warehouse under the customs laws on the date any prohibition of their sale or removal, by any Act of Congress, or proclamation of the President of the United States takes effect shall be permitted to remain therein without payment of any taxes or duties thereon, beyond the three-year period provided by law, during such period of prohibition; and may be exported at any time during such extended period. Any imported spirits, wines, or other liquors as to which the three-year bonded period may have expired after February 24, 1919, and prior to the date such prohibition takes effect may at the option of the owner remain in bond during such period of prohibition.

(Feb. 24, 1919, ch. 18, § 600(b), 40 Stat. 1106.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

§§ 461 to 466. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 560 to 565, 42 Stat. 977 to 979, related to leasing warehouses by Secretary of the Treasury, public stores, withdrawal from and deterioration of merchandise in bonded warehouses, liens for freight charges and cartage of merchandise.

The following table shows the distribution of former sections to the present similar provisions in the Tariff Act of 1930, as incorporated in this title.

Former section:	Present section
461	1560
462	1561
463	1562
464	1563
465	1564
466	1565

§ 467. Deposit of imported liquors in bonded warehouse

All distilled spirits, wines, and malt liquors, imported in pipes, hogsheads, tierces, barrels, casks, or other similar packages, shall be first placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected, marked, and branded by a United States customs-gauger, and a stamp affixed to each package, indicating the date and particulars of such inspection; and the Secretary of the Treasury is authorized to prescribe the form of, and provide, the requisite stamps, and to make all regulations which he may deem necessary and proper for carrying the foregoing requirements into effect. Any pipe, hogshead, tierce, barrel, cask, or other package withdrawn from public store or bonded warehouse purporting to contain imported liquor, found without having thereon the stamp hereby required, shall be, with its contents, forfeited to the United States; and whenever any cask or package of imported distilled spirits of not less than five wine-gallons is filled for shipment, sale, or delivery on the premises of any wholesale liquor dealer, the same shall be stamped with a special stamp for imported spirits, under such rules and regulations as the Commissioner of Internal Revenue has prescribed, or may hereafter prescribe, in the case of domestic distilled spirits.

(Mar. 1, 1879, ch. 125, § 11, 20 Stat. 342.)

Transfer of Functions

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Internal Revenue, referred to in this section, is an officer of the Treasury Department.

Section Referred to in Other Sections

This section is referred to in section 468 of this title.

§ 468. Stamps and brands effaced on emptying packages of imported liquors

Every person who empties or draws off, or causes to be emptied or drawn off, the contents of any package of imported liquors stamped as above required, shall, at the time of such emptying, efface, obliterate, and destroy the stamp thereon, and also all other marks or brands which shall have been placed thereon in accordance with the law or regulations concerning imported liquors; every cask or other package from which the stamp for imported liquors required by section 467 of this title to be placed thereon shall not be effaced, obliterated, or destroyed, on emptying such package, shall be forfeited, and the same may be seized by any officer of internal revenue wherever found; and all the provisions and penalties of R.S. § 3324, relating to empty casks or packages from which the marks, brands, or stamps have not been effaced or obliterated, and relating to the removal of stamps from packages, and to having in possession any stamps so removed, shall apply to the stamps for imported spirits herein provided for, and to the casks or other packages on which such stamps shall have been used.

(Mar. 1, 1879, ch. 125, § 12, 20 Stat. 342; May 28, 1880, ch. 108, § 12, 21 Stat. 148.)

References in Text

R.S. § 3324, referred to in text, related to stamps and brands to be effaced from empty casks and penalty for omitting to efface and for transporting in violation of law, and is now covered by sections 5205(g), 5604(a)(2), (3), (7) to (9), (17), and 7301 of Title 26, Internal Revenue Code.

§ 469. Dealing in or using empty stamped imported liquor containers

If any person shall purchase or sell, with the imported-liquor stamp herein required remaining thereon, or any of the marks or brands which shall have been placed thereon in accordance with the laws or regulations concerning imported liquors remaining thereon, any cask or other package, after the same has been once used to contain imported liquors and has been emptied; or if any person shall use or have in possession such cask or package, with any imitation of such marks or brands, for the purpose of placing domestic distilled spirits therein for sale; every such cask or package, with its contents, if any, shall be forfeited to the United States. And every such person who shall violate any of the provisions of this section shall be liable to a penalty of $200 for every such cask or package so purchased, sold, used, or had in possession.

(Mar. 1, 1879, ch. 125, § 13, 20 Stat. 343; May 28, 1880, ch. 108, § 13, 21 Stat. 148.)

§ 471. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, § 560, 42 Stat. 977, related to prohibition of ownership of bonded warehouses by customs officers.

Corresponding provisions of Tariff Act of 1930, see section 1560 of this title.

§§ 472 to 475. Repealed. Aug. 8, 1953, ch. 397, § 16(f), 67 Stat. 517

Sections, act June 8, 1896, ch. 371, §§ 1 to 4, 29 Stat. 263, related to special delivery and appraisement of imported articles of limited value and weight.

EFFECTIVE DATE OF REPEAL

Section 1 of act Aug. 8, 1953, provided in part that such act should be effective, except as otherwise specifically provided for, on and after the thirtieth day following the date of its enactment (Aug. 8, 1953).

The exception "except as otherwise specifically provided for" apparently refers to the amendments made to the provisions preceding subd. (1) of section 1308 of this title and to section 1557(b) of this title, for which separate effective dates were provided as explained in notes under those sections.

SAVINGS CLAUSE

Section 23 of act Aug. 8, 1953, provided: "Except as may be otherwise provided for in this Act, the repeal of existing law or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal case prior to such repeal or modification, but all liabilities under such laws shall continue, except as otherwise specifically provided in this Act, and may be enforced in the same manner as if such repeal, or modification had not been made."

PART 5—ENFORCEMENT PROVISIONS

§ 481. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, § 581, 42 Stat. 979, related to seizure of vessel or merchandise. Corresponding provisions of Tariff Act of 1930, see section 1581 of this title.

§ 482. Search of vehicles and persons

Any of the officers or persons authorized to board or search vessels may stop, search, and examine, as well without as within their respective districts, any vehicle, beast, or person, on which or whom he or they shall suspect there is merchandise which is subject to duty, or shall have been introduced into the United States in any manner contrary to law, whether by the person in possession or charge, or by, in, or upon such vehicle or beast, or otherwise, and to search any trunk or envelope, wherever found, in which he may have a reasonable cause to suspect there is merchandise which was imported contrary to law; and if any such officer or other person so authorized shall find any merchandise on or about any such vehicle, beast, or person, or in any such trunk or envelope, which he shall have reasonable cause to believe is subject to duty, or to have been unlawfully introduced into the United States, whether by the person in possession or charge, or by, in, or upon such vehicle, beast, or otherwise, he shall seize and secure the same for trial.

(R.S. § 3061.)

CODIFICATION

R.S. § 3061 was from act July 18, 1866, ch. 201, § 3, 14 Stat. 178.

§ 483. Repealed. Sept. 1, 1954, ch. 1213, title V, § 502, 68 Stat. 1140

Section, R.S. § 3062; Aug. 5, 1935, ch. 438, title II, § 208, 49 Stat. 526, related to forfeitures and penalty for aiding unlawful importation, and is now covered by section 1595a of this title.

§§ 484 to 493. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 582 to 591, 42 Stat. 979 to 981, related to examination of persons and baggage, production and certification of manifests, and enforcement provisions.

Provisions of Tariff Act of 1930 corresponding to section 484, see section 1582 of this title: section 485, see section 1583 of this title; section 486, see section 1584 of this title; section 487, see section 1585 of this title; section 488, see section 1586 of this title; section 489, see section 1586(d) of this title; section 490, see section 1588 of this title.

§ 494. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(27), 70 Stat. 948

Section, act June 22, 1874, ch. 391, § 13, 18 Stat. 188, provided for seizure of merchandise as security for fines, and is now covered by section 542 of Title 18, Crimes and Criminal Procedure.

§§ 495 to 505. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 592, 593(a), (b), 594 to 601, 42 Stat. 982 to 984, related to seizure and forfeiture of vessels, vehicles and merchandise.

Provisions of Tariff Act of 1930 corresponding to section 495, see section 1592 of this title; section 496, see section 1593(a) [repealed] of this title; section 498, see section 1594 of this title; section 499, see section 1595 of this title; section 503, see section 1599 of this title.

§ 506. Repealed. Aug. 5, 1935, ch. 438, title II, § 203(b), 49 Stat. 523

Section, R.S. § 3072, related to duty of customs officers to seize and make secure vessels or merchandise.

§ 507. Officers to make character known

Every officer or other person authorized to make searches and seizures by this title, shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an officer or agent of the customs or Government, and shall have authority to demand of any person within the distance of three miles to assist him in making any arrests, search, or seizure authorized by this title, where such assistance may be necessary; and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $200, nor less than $5.

(R.S. § 3071.)

CODIFICATION

R.S. § 3071 was from act July 18, 1866, ch. 201, § 10, 14 Stat. 180.

REFERENCES IN TEXT

This title, referred to in text, means title 34 (§§ 2517 to 3129) of the Revised Statutes, which is classified to sections 5, 6, 8, 9 to 11, 31, 32, 37, 129, 232, 233, 240, 257, 258, 282, 283, 286 to 294, 338 to 341, 391, 482, 507, 508, 528, 574 of this title, and sections 110 to 112, 123, 124 of Title 46, Shipping. For complete classification of sections 2517 to 3129 of the Revised Statutes to the Code, see Tables volume.

§ 508. Persons making seizures pleading general issue and proving special matter

If any officer, or other person, executing or aiding or assisting in the seizure of goods, under any Act providing for or regulating the collection of duties on imports or tonnage, is sued for anything done in virtue of the powers given thereby, or by virtue of a warrant granted by any judge, or justice, pursuant to law, he may plead the general issue and give such Act and the special matter in evidence.

(R.S. § 3073.)

Codification

R.S. § 3073 was from act Mar. 2, 1799, ch. 22, § 71, 1 Stat. 678.

Federal Rules of Civil Procedure

General rules of pleading, see rule 8 of Title 28, Appendix, Judiciary and Judicial Procedure.

Supersedure of method of procedure prescribed in this section, see note by Advisory Committee under rule 8.

§§ 509 to 521. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 602 to 614, 42 Stat. 984 to 987, related to pleading, procedure and disposition of seized articles or proceeds therefrom.

Provisions of Tariff Act of 1930 corresponding to section 509, see section 1602 of this title; section 510, see section 1603 of this title; section 511, see section 1604 of this title; section 512, see section 1605 of this title; section 513, see section 1606 of this title; section 514, see section 1607 of this title; section 515, see section 1608 of this title; section 516, see section 1609 of this title; section 517, see section 1610 of this title; section 518, see section 1611 of this title; section 519, see section 1612 of this title; section 520, see section 1613 of this title; section 521, see section 1614 of this title.

§§ 522 to 524. Repealed. Aug. 27, 1935, ch. 740, § 308, 49 Stat. 880

Sections, act Mar. 3, 1925, ch. 438, §§ 1 to 3, 43 Stat. 1116, as amended by act May 27, 1930, ch. 342, § 9, 46 Stat. 430, related to summary forfeiture of vessels or vehicles.

§ 525. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, § 615, 42 Stat. 987, related to burden of proof in proceedings for forfeiture of seized property. Corresponding provisions of Tariff Act of 1930, see section 1615 of this title.

§ 526. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(28), 70 Stat. 948

Section, R.S. § 3089, related to costs of prosecution, and is now covered by section 1613(1) of this title.

§ 527. Sums received from fines and other receipts covered into Treasury

Except as otherwise provided by law, all sums received from fines, penalties, and forfeitures, connected with the customs, and from fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services, shall be covered into the Treasury as are other miscellaneous receipts.

(Mar. 4, 1907, ch. 2918, § 1, 34 Stat. 1315.)

Cross References

Proceeds from sale of forfeited articles to be deposited, after deduction of actual expenses of seizure, publication, and sale in Treasury of United States, see section 1609 of this title.

Reimbursable charges to be deposited as a refund to appropriation from which paid instead of being covered into Treasury, see section 1524 of this title.

Section Referred to in Other Sections

This section is referred to in section 1524 of this title.

§ 528. Appropriate customs officer to receive amount recovered

The appropriate customs officer within whose district any seizure shall be made or forfeiture incurred for any violation of the duty laws is authorized to receive from the court within which trial is had, or from the proper officer thereof, the sum recovered, after deducting all proper charges to be allowed by the court; and on receipt thereof he shall pay and distribute the same without delay, according to law.

(R.S. § 3087; June 17, 1930, ch. 497, title IV, § 604, 46 Stat. 754; June 2, 1970, Pub. L. 91-271, title III, § 319, 84 Stat. 293.)

Codification

This section was derived from R.S. § 3087, which, however, contained a further provision requiring collectors to cause suits to be commenced without delay and prosecuted to effect. That provision was omitted as inconsistent with section 604 of act Sept. 21, 1922, ch. 356, 42 Stat. 984, constituting former section 511 of this title. Act Sept. 21, 1922, was repealed by act June 17, 1930, but section 604 of the latter Act, constituting section 1604 of this title, reenacted section 604 of the former Act.

Amendments

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Transfer of Functions

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in this section, are within the Treasury Department.

§ 529. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, § 616, 42 Stat. 987, related to compromise of claims. See section 1915 of Title 18, Crimes and Criminal Procedure.

§ 530. Omitted

Codification

Section, act Jan. 22, 1875, ch. 22, 18 Stat. 303, which provided for dismissal of proceedings, related to act

June 22, 1874, ch. 391, § 19, 18 Stat. 190, which was repealed by act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

§§ 531 to 534. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 617 to 620, 42 Stat. 987, 988, related to remission or mitigation of fines, penalties, or forfeitures, and compensation of informers and United States officers.

Provisions of Tariff Act of 1930 corresponding to section 531, see section 1617 of this title; section 532, see section 1618 of this title; section 533, see section 1619 of this title; section 534, see section 1620 of this title.

§ 535. Compulsory production of books, invoices, or papers

In all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever, in his belief, any business book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure or refusal to produce the same shall be explained to the satisfaction of the court. And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant or claimant, or his agent, may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid.

(June 22, 1874, ch. 391, § 5, 18 Stat. 187.)

CONSTITUTIONALITY

This section held unconstitutional as applied to a suit to enforce a forfeiture decided to be criminal in its nature in *Boyd* v. *U.S.* ((1886), 116 U.S. 616, 6 S. Ct. 524, 29 U.S. (L. Ed.) 746.)

§ 536. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, § 621, 42 Stat. 988, related to limitation of actions for penalties or forfeitures. Corresponding provisions of Tariff Act of 1930, see section 1621 of this title.

§ 537. Officers, informers, and defendants as witnesses

No officer, or other person entitled to or claiming compensation under any provision of Act June 22, 1874 (chapter 391, 18 Statutes 188) shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof, but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; and in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

(June 22, 1874, ch. 391, § 8, 18 Stat. 188.)

REFERENCES IN TEXT

Section 4 of act June 22, 1874, referred to in the text, providing for compensation to officers of the customs or other persons detecting goods being smuggled, was repealed by act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989. For corresponding provisions in the Tariff Act of 1930, see section 1619 of this title.

§§ 538, 539. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 622, 623, 42 Stat. 988, related to extensions of time and general rules and regulations.

Provisions of Tariff Act of 1930 corresponding to section 538, see section 1318 of this title; section 539, see section 1624 of this title.

§ 540. President may use suitable vessels for enforcing customs laws

In the execution of laws providing for the collection of duties on imports and tonnage, the President, in addition to the Coast Guard cutters in service, may employ in aid thereof such other suitable vessels as may, in his judgment, be required.

(R.S. § 5318; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 495.)

CODIFICATION

R.S. § 5318 was from act July 13, 1861, ch. 3, § 7, 12 Stat. 257.

AMENDMENTS

1949—Act Aug. 4, 1949, reestablished the Coast Guard and repealed act Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800, formerly credited to section.

EFFECTIVE DATE OF 1949 AMENDMENT

Amendment of section by act Aug. 4, 1949, effective as of the first day of the third month after the month of approval, Aug. 1949, see Effective Date note set out preceding chapter 1 of Title 14, Coast Guard.

§§ 541, 542. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(29), (30), 70 Stat. 948

Section 541, R.S. § 2763, authorized use of small boats for use of customs officials.

Section 542, act Feb. 10, 1913, ch. 35, 37 Stat. 665, authorized Secretary of Treasury to use the motorboat provided for Corpus Christi, Texas, and is not now covered.

PART 6—GENERAL PROVISIONS

§§ 571 to 573. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title III, §§ 320, 321, title IV, § 641, 42 Stat. 947, 989, related to provisions as to effect of repeals, Treaty with Cuba and certain laws unaffected.

Provisions of Tariff Act of 1930 corresponding to section 571, see section 1651(c) of this title; section 572, see section 1316 of this title; section 573, none.

§ 574. Exemption from taking other oaths

Nothing contained in this title shall be construed to exempt the masters or owners of vessels from making and subscribing any oaths required by any laws of the United States not immediately relating to the collection of the duties on the importation of merchandise into the United States.

(R.S. § 3094.)

CODIFICATION

R.S. § 3094 was from act Mar. 2, 1799, ch. 22, § 110, 1 Stat. 703.

REFERENCES IN TEXT

This title, referred to in text, means title 34 (§§ 2517 to 3129) of the Revised Statutes, which is classified to sections 5, 6, 8, 9 to 11, 31, 32, 37, 129, 232, 233, 240, 257, 258, 282, 283, 286 to 294, 338 to 341, 391, 482, 507, 508, 528, 574 of this title, and sections 110 to 112, 123, 124 of Title 46, Shipping. For complete classification of sections 2517 to 3129 of the Revised Statutes to the Code, see Tables volume.

§§ 575, 576. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 645, 647, 42 Stat. 990, related to effect of partial invalidity and citation of chapter.

Provisions of Tariff Act of 1930 corresponding to section 575, see section 1652 of this title.

§ 577. Repealed. Oct. 31, 1951, ch. 655, § 56(d), 65 Stat. 729

Section, act Mar. 8, 1902, ch. 140, § 8, 32 Stat. 55, made, "except as otherwise provided by law", the provisions of subtitle IV of this chapter applicable to all articles coming into the United States from the "Phillippine Archipelago". Prior to this repeal, it had been omitted from the Code as obsolete in view of the independence of the Phillipines.

SAVINGS CLAUSE

Subsec. (*l*) of section 56 of act Oct. 31, 1951, provided that the repeal of this section should not affect any rights or liabilities existing hereunder on the effective date of such repeal [Oct. 31, 1951.].

§ 578. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act May 29, 1928, ch. 852, § 708, 45 Stat. 881, related to definition of motor boat.

§ 579. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(32), 70 Stat. 948

Section, R.S. § 960, provided that in a suit on bond for the recovery of duties the court should grant judgment unless defendant made an oath that an error was committed in the liquidation of the duties demanded, and is now covered by the protest provisions of section 1514 of this title.

§ 580. Interest in suits on bonds for recovery of duties

Upon all bonds, on which suits are brought for the recovery of duties, interest shall be allowed, at the rate of 6 per centum a year, from the time when said bonds became due.

(R.S. § 963.)

CODIFICATION

R.S. § 963 was from act Mar. 2, 1799, ch. 22, § 65, 1 Stat. 676.

Section was formerly classified to section 787 of title 28 prior to the general revision and enactment of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, § 1, 62 Stat. 869.

CHAPTER 4—TARIFF ACT OF 1930

SUBTITLE I—TARIFF SCHEDULES OF THE UNITED STATES

Sec.
1202. Revised Tariff Schedules.

GENERAL HEADNOTES AND RULES OF INTERPRETATION

SCHEDULE 1—ANIMAL AND VEGETABLE PRODUCTS

Part 1—Live animals.
Part 2—Meats.
  A. Bird meat.
  B. Meats other than bird meat.
Part 3—Fish and shellfish.
  A. Fish, fresh, chilled, or frozen.
  B. Fish, dried, salted, pickled, smoked, or kippered.
  C. Fish in airtight containers.
  D. Other fish products.
  E. Shellfish.
Part 4—Dairy products; birds' eggs.
  A. Milk and cream.
  B. Butter, oleomargarine, and butter substitutes.
  C. Cheeses.
  D. Other milk products.
  E. Poultry and other birds' eggs.
Part 5—Hides, skins, and leather; furskins.
  A. Hides, skins, and leather.
  B. Furskins.
Part 6—Live plants; seeds.
  A. Live plants.
  B. Seeds.
Part 7—Cereal grains, milled grain products, and malts and starches.
  A. Grains.
  B. Milled grain products.
  C. Malts and starches.
Part 8—Vegetables.
  A. Vegetables, fresh, chilled, or frozen.
  B. Vegetables, dried, desiccated, or dehydrated.
  C. Vegetables, packed in salt, in brine, pickled, or otherwise prepared or preserved.
  D. Mushrooms and truffles.
Part 9—Edible nuts and fruits.
  A. Edible nuts.
  B. Edible fruits.
  C. Fruit flours, peels, pastes, pulps, jellies, jams, marmalades, and butters.
  D. Glacé nuts, fruits, and other vegetable substances.
Part 10—Sugar; cocoa; confectionery.
  A. Sugars, sirups, and molasses.
  B. Cocoa.
  C. Confectionery.
Part 11—Coffee, tea, maté, and spices.
  A. Coffee and coffee substitutes, tea, maté.
  B. Spices and spice seeds.
Part 12—Beverages.
  A. Fruit juices.
  B. Nonalcoholic beverages.
  C. Fermented alcoholic beverages.
  D. Spirits, spirituous beverages and beverage preparations.
Part 13—Tobacco and tobacco products.

Part 14—Animal and vegetable oils, fats, and greases.
  A. Oilbearing vegetable materials.
  B. Vegetable oils, crude or refined.
  C. Animal oils, fats, and greases, crude or refined.
  D. Hardened oils, fats, and greases; mixtures.
Part 15—Other animal and vegetable products.
  A. Products of American fisheries.
  B. Edible preparations.
  C. Animal feeds.
  D. Feathers, downs, bristles, and hair.
  E. Shellac and other lacs; natural gums, gum resins, resins, and balsams; turpentine and rosin.
  F. Miscellaneous animal products.
  G. Miscellaneous vegetable products.

SCHEDULE 2—WOOD AND PAPER; PRINTED MATTER

Part 1—Wood and wood products.
  A. Rough and primary wood products; wood waste.
  B. Lumber, flooring, and moldings.
  C. Densified wood and articles thereof.
  D. Wooden containers.
  E. Miscellaneous products of wood.
  F. Articles, not specially provided for, of wood.
Part 2—Cork and cork products; bamboo, rattan, willow and chip; basketwork, wickerwork, and related products of fibrous vegetable substances.
  A. Cork and cork products.
  B. Bamboo, rattan, willow, and chip; basketwork, wickerwork, and related products of fibrous vegetable substances.
Part 3—Wood veneers, plywood and other wood-veneer assemblies, and building boards.
Part 4—Paper, paperboard, and products thereof.
  A. Paper-making materials.
  B. Paper and paperboard, in rolls and sheets, not cut to size or shape.
  C. Paper and paperboard cut to size or shape; articles of paper and paperboard.
  D. Articles not specially provided for of pulp, of papier-mâche, of paper, or of paperboard.
Part 5—Books, pamphlets, and other printed and manuscript matter.

SCHEDULE 3—TEXTILE FIBERS AND TEXTILE PRODUCTS

Part 1—Textile fibers and wastes; yarns and threads.
  A. Cotton.
  B. Vegetable fibers, except cotton.
  C. Wool and related animal hair.
  D. Silk.
  E. Manmade fibers.
  F. Miscellaneous textile materials.
Part 2—Cordage.
Part 3—Woven fabrics.
  A. Woven fabrics, of cotton.
  B. Woven fabrics, of vegetable fibers (except cotton).
  C. Woven fabrics, of wool.
  D. Woven fabrics, of silk.
  E. Woven fabrics, of manmade fibers.
  F. Woven fabrics, of other textile materials.
Part 4—Fabrics of special construction or for special purposes; articles of wadding or felt; fish nets; machine clothing.
  A. Knit, pile, tufted, and narrow fabrics; braids, and elastic fabrics.
  B. Lace, netting, and ornamented fabrics.
  C. Wadding, felts, and articles thereof; fish netting and nets; artists' canvas; coated or filled fabrics; hose; machine clothing; other special fabrics.
Part 5—Textile furnishings.
  A. Textile floor coverings.
  B. Bedding.
  C. Tapestries, linens, and other furnishings.
Part 6—Wearing apparel and accessories.
  A. Handkerchiefs.
  B. Mufflers, scarves, shawls, and veils; men's and boys' neckties.
  C. Hosiery.
  D. Garters and suspenders; body-supporting garments; rainwear.
  E. Underwear.
  F. Other wearing apparel.
Part 7—Miscellaneous textile products; rags and scrap cordage.
  A. Miscellaneous textile products.
  B. Textile articles not specially provided for.
  C. Rags and scrap cordage.

SCHEDULE 4—CHEMICALS AND RELATED PRODUCTS

Part 1—Benzenoid chemicals and products.
  A. Organic chemical crudes.
  B. Industrial organic chemicals.
  C. Finished organic chemical products.
Part 2—Chemical elements, inorganic and organic compounds, and mixtures.
  A. Chemical elements.
  B. Inorganic acids.
  C. Inorganic chemical compounds.
  D. Organic chemical compounds.
  E. Chemical mixtures.
Part 3—Drugs and related products.
  A. Natural drugs, crude or advanced.
  B. Alkaloids, antibiotics, barbiturates, hormones, vitamins, and other drugs and related products.
  C. Other drugs.
Part 4—Synthetic resins and plastics materials, rubber.
  A. Synthetic resins and plastics materials.
  B. Rubber.
Part 5—Flavoring extracts; essential oils.
  A. Flavoring extracts, and fruit flavors, essences, esters, and oils.
  B. Essential oils.
Part 6—Glue, gelatin, and related products.
Part 7—Aromatic or odoriferous substances; perfumery, cosmetics, and toilet preparations.
  A. Aromatic and odoriferous substances.
  B. Perfumery, cosmetics, and toilet preparations.
Part 8—Surface-active agents; soaps and synthetic detergents.
  A. Surface-active agents.
  B. Soap and synthetic detergents.
Part 9—Dyeing and tanning products; pigments and pigment-like materials; inks, paints, and related products.
  A. Dyeing and tanning products.
  B. Pigments and pigment-like materials.
  C. Inks, paints, and related products.
Part 10—Petroleum, natural gas, and products derived therefrom.
Part 11—Fertilizers and fertilizer materials.
Part 12—Explosives.
Part 13—Fatty substances, camphor, chars and carbons, isotopes, waxes, and other products.
  A. Fatty substances.
  B. Camphor, chars and carbons, isotopes, waxes, and other products.
  C. Miscellaneous medical supplies.

SCHEDULE 5—NONMETALLIC MINERALS AND PRODUCTS

Part 1—Nonmetallic minerals and products, except ceramic products and glass and glass products.
  A. Hydraulic cement; concrete; concrete products.
  B. Lime, gypsum, and plaster products.
  C. Stone and stone products.
  D. Mica and mica products.
  E. Graphite and related products.
  F. Asbestos and asbestos products.
  G. Abrasives and abrasive articles.
  H. Gems, gemstones, and articles thereof; industrial diamonds.
  J. Miscellaneous nonmetallic minerals and products.
  K. Nonmetallic minerals and products not specially provided for.
Part 2—Ceramic products.
  A. Refractory and heat-insulating articles.
  B. Ceramic construction articles.
  C. Table, kitchen, household, art and ornamental pottery.
  D. Industrial ceramics.
  E. Ceramic articles not specially provided for.

Part 3—Glass and glass products.
- A. Glass in the mass; glass in balls, tubes, rods, and certain other forms; foam glass; optical glass; and glass fibers and products thereof.
- B. Flat glass and products thereof.
- C. Glassware and other glass products.
- D. Glass articles not specially provided for.

SCHEDULE 6—METALS AND METAL PRODUCTS

Part 1—Metal-bearing ores and other metal-bearing materials.

Part 2—Metals, their alloys, and their basic shapes and forms.
- A. Precious metals.
- B. Iron or steel.
- C. Copper.
- D. Aluminum.
- E. Nickel.
- F. Tin.
- G. Lead.
- H. Zinc.
- J. Beryllium, columbium, germanium, hafnium, indium, magnesium, molybdenum, rhenium, tantalum, titanium, tungsten, uranium, and zirconium.
- K. Other base metals.

Part 3—Metal products.
- A. Metallic containers.
- B. Wire cordage; wire screen, netting and fencing; bale ties.
- C. Metal leaf and foil; metallics.
- D. Nails, screws, bolts, and other fasteners; locks; builders' hardware; furniture, luggage, and saddlery hardware.
- E. Tools, cutlery, forks and spoons.
- F. Miscellaneous metal products.
- G. Metal products not specially provided for.

Part 4—Machinery and mechanical equipment.
- A. Boilers, non-electric motors and engines, and other general-purpose machinery.
- B. Elevators, winches, cranes, and related machinery; earthmoving and mining machinery.
- C. Agricultural and horticultural machinery; machinery for preparing food and drink.
- D. Pulp and paper machinery; bookbinding machinery; printing machinery.
- E. Textile machines; laundry and drycleaning machines; sewing machines.
- F. Machines for working metal, stone, and other materials.
- G. Office machines.
- H. Other machines.
- J. Parts of machines.

Part 5—Electrical machinery and equipment.

Part 6—Transportation equipment.
- A. Rail locomotives and rolling stock.
- B. Motor vehicles.
- C. Aircraft and spacecraft.
- D. Pleasure boats; floating structures.

SCHEDULE 7—SPECIFIED PRODUCTS: MISCELLANEOUS AND NONENUMERATED PRODUCTS

Part 1—Footwear; headwear and hat braids; gloves; luggage, handbags, billfolds, and other flat goods.
- A. Footwear.
- B. Headwear and hat braids.
- C. Gloves.
- D. Luggage; women's and children's handbags; and billfolds, card cases, coin purses, and similar flat goods.

Part 2—Optical goods; scientific and professional instruments; watches, clocks, and timing devices; photographic goods; motion pictures; recordings and recording media.
- A. Optical elements, spectacles, microscopes, and telescopes optical goods not elsewhere provided for.
- B. Medical and surgical instruments and apparatus; X-ray apparatus.
- C. Surveying, navigational, meteorological, drawing, and mathematical calculating instruments; measuring and checking instruments not specially provided for.
- D. Measuring, testing, and controlling instruments.
- E. Watches, clocks, and timing apparatus.
- F. Photographic equipment and supplies.
- G. Motion pictures; tape recordings, phonograph records, and other recordings; recording media; scrap and waste photographic film.

Part 3—Musical instruments, parts, and accessories.
- A. Musical instruments.
- B. Musical instrument parts and accessories.

Part 4—Furniture; pillows, cushions, and mattresses; nontextile floor coverings.
- A. Furniture, pillows, cushions, and mattresses.
- B. Nontextile floor coverings.

Part 5—Arms and ammunition; fishing tackle; wheel goods; sporting goods, games and toys.
- A. Arms and ammunition.
- B. Fishing tackle.
- C. Wheel goods.
- D. Games and sporting goods.
- E. Models; dolls, toys, tricks, party favors.

Part 6—Jewelry and related articles; cameos; natural, cultured, and imitation pearls; imitation gemstones; beads and articles of beads.
- A. Jewelry and related articles.
- B. Cameos; natural, cultured, and imitation pearls; imitation gemstones; beads and articles of beads.

Part 7—Buttons, buckles, pins, and other fastening devices; artificial and preserved flowers and foliage; millinery ornaments; trimmings; and feather products.
- A. Buttons, buckles, pins, hooks and eyes, and slide fasteners.
- B. Artificial and preserved flowers and foliage; millinery ornaments; trimmings; and feather products.

Part 8—Combs; hair ornaments; brooms and brushes; paint rollers; umbrellas and canes.
- A. Combs, hair ornaments, brooms and brushes, paint rollers.
- B. Umbrellas, walking sticks, whips, ridingcrops, and parts thereof.

Part 9—Matches and pyrotechnics; candles; blasting caps; smokers' articles.
- A. Matches, pyrotechnics, candles, blasting caps.
- B. Cigar and cigarette lighters and holders; tobacco pipes.

Part 10—Pens, pencils, leads, crayons, and chalks.

Part 11—Works of art; antiques.
- A. Works of art.
- B. Antiques.

Part 12—Rubber and plastics products.
- A. Reinforced or laminated plastics; foam or sponge rubber and plastics.
- B. Rubber and plastics waste and scrap; rubber and plastics film, strips, sheets, plates, slabs, blocks, filaments, rods, tubing and other profile shapes.
- C. Specified rubber and plastics products.
- D. Articles not specially provided for, of rubber or plastics.

Part 13—Products not elsewhere enumerated.
- A. Miscellaneous products.
- B. Articles of fur and of leather.
- C. Articles of gelatin, glue, gut, wax, bone, horn, hoof, whalebone, quill, shell, ivory, or sponge.
- D. Waste and scrap.

Part 14—Nonenumerated products.

SCHEDULE 8—SPECIAL CLASSIFICATION PROVISIONS

Part 1—Articles exported and returned.
- A. Articles not advanced or improved abroad.
- B. Articles advanced or improved abroad.
- C. Substantial containers or holders.

Part 2—Personal exemptions.
- A. Residents and nonresidents.
- B. United States personnel and evacuees.
- C. Personnel of foreign governments and international organizations; distinguished visitors.
- D. Other personal exemptions.

- Part 3—Governmental importations.
  - A. United States Government.
  - B. Foreign governments and international organizations.
- Part 4—Importations of religious, educational, scientific, and other institutions.
- Part 5—Samples; articles admitted free of duty under bond.
  - A. Samples for soliciting orders.
  - B. Articles for permanent exhibition under bond.
  - C. Articles admitted temporarily free of duty under bond.
  - D. Tea admitted free of duty under bond.
- Part 6—Other special classification provisions.

APPENDIX TO THE TARIFF SCHEDULES

- Part 1—Temporary legislation.
  - A. Temporary provisions for additional duties.
  - B. Temporary provisions amending the tariff schedules.
- Part 2—Temporary modifications proclaimed pursuant to trade-agreements legislation.
  - A. Escape-clause actions.
  - B. Temporary modifications pursuant to section 252 of the Trade Expansion Act of 1962.
- Part 3—Additional import restrictions proclaimed pursuant to section 22 of the Agricultural Adjustment Act, as amended.

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- 1301, 1301a. Repealed.
- 1302. Omitted.
- 1303. Countervailing duties.
  - (a) Levy of countervailing duties.
  - (b) Injury determination with respect to duty-free merchandise; suspension of liquidation.
  - (c) Application of affirmative determinations.
  - (d) Temporary provision while negotiations are in progress.
  - (e) Reports to Congress.
- 1304. Marking of imported articles and containers.
  - (a) Marking of articles.
  - (b) Marking of containers.
  - (c) Additional duties for failure to mark.
  - (d) Delivery withheld until marked.
  - (e) Penalties.
- 1305 Immoral articles; importation prohibited.
  - (a) Prohibition of importation.
  - (b) Repealed.
- 1306. Cattle, sheep, swine, and meats; importation prohibited in certain cases.
  - (a) Rinderpest and foot-and-mouth disease.
  - (b) Repealed.
  - (c) Regulations.
- 1307. Convict-made goods; importation prohibited.
- 1308. Repealed.
- 1309. Supplies for certain vessels and aircraft.
  - (a) Exemption from customs duties and internal-revenue tax.
  - (b) Drawback.
  - (c) Articles removed in, or returned to, the United States.
  - (d) Reciprocal privileges.
- 1310. Free importation of merchandise recovered from sunken and abandoned vessels.
- 1311. Bonded manufacturing warehouses.
- 1312. Bonded smelting and refining warehouses.
  - (a) Bond; charges against bond.
  - (b) Cancellation of charges against bond.
  - (c) Allowance on bond for wastage of metals.
  - (d) Credit for exportation of product other than refined metal.
  - (e) General bond for two or more warehouses.
  - (f) Definitions.

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  - (g) Supervision and cost of labor under this section.
- 1313. Drawback and refunds.
  - (a) Articles made from imported merchandise.
  - (b) Substitution for drawback purposes.
  - (c) Merchandise not conforming to sample or specifications.
  - (d) Flavoring extracts; medicinal or toilet preparations; bottled distilled spirits and wines.
  - (e) Imported salt for curing fish.
  - (f) Exportation of meats cured with imported salt.
  - (g) Materials for construction and equipment of vessels built for foreigners.
  - (h) Jet aircraft engines.
  - (i) Time limitation on exportation.
  - (j) Regulations.
  - (k) Source of payment.
- 1313a. Appropriations for refunds, drawbacks, bounties, etc.
- 1314. Repealed.
- 1315. Effective date of rates of duty.
  - (a) Articles entered or withdrawn from warehouse for consumption.
  - (b) Articles removed from intended place of release.
  - (c) Quantity of merchandise at time of importation.
  - (d) Effective date of administrative rulings resulting in higher rates.
- 1316. Cuban reciprocity treaty not affected.
- 1317. Tobacco products; supplies for certain vessels and aircraft.
- 1318. Emergencies.
- 1319. Duty on coffee imported into Puerto Rico.
- 1319a. Duty on coffee; ratification of duties imposed by Legislature of Puerto Rico.
- 1320. Repealed.
- 1321. Administrative exemptions.
- 1322. International traffic and rescue work; United States-Mexico Boundary Treaty of 1970.
- 1323. Conservation of fishery resources.

PART II—UNITED STATES INTERNATIONAL TRADE COMMISSION

- 1330. Organization of commission.
  - (a) Membership.
  - (b) Terms of office.
  - (c) Chairman and vice chairman; quorum.
  - (d) Effect of divided vote in certain cases.
  - (e) Authorization of appropriations.
- 1331. General powers.
  - (a) Personnel.
  - (b) Application of civil service law.
  - (c) Expenses.
  - (d) Offices and supplies.
  - (e) Principal office at Washington.
  - (f) Office at New York.
  - (g) Official seal.
- 1332. Investigations.
  - (a) Investigations and reports.
  - (b) Investigations of tariff relations.
  - (c) Investigation of Paris Economy Pact.
  - (d) Information for President and Congress.
  - (e) Definitions.
  - (f) Omitted.
  - (g) Reports to President and Congress.
- 1332a. Importation of red cedar shingles.
  - (a) Investigation by Commission.
  - (b) Duty on imported shingles; amount.
  - (c) Exemptions from duty.
- 1333. Testimony and production of papers.
  - (a) Authority to obtain information.
  - (b) Witnesses and evidence.
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  - (d) Depositions.
  - (e) Fees and mileage of witnesses.
  - (f) Statements under oath.
  - (g) Representation in court proceedings.
- 1334. Cooperation with other agencies.
- 1335. Rules and regulations.
- 1336. Equalization of costs of production.
  - (a) Change of classification or duties.
  - (b) Change to American selling price.
  - (c) Proclamation by the President.
  - (d) Effective date of rates and changes.
  - (e) Ascertainment of differences in costs of production.
  - (f) Modification of changes in duty.
  - (g) Prohibition against transfers from the free list to the dutiable list or from the dutiable list to the free list.
  - (h) Definitions.
  - (i) Rules and regulations of President.
  - (j) Rules and regulations of Secretary of Treasury.
  - (k) Investigations prior to June 17, 1930.
- 1337. Unfair practices in import trade.
  - (a) Unfair methods of competition declared unlawful.
  - (b) Investigation of violations by Commission; time limits.
  - (c) Determinations; reviews.
  - (d) Exclusion of articles from entry.
  - (e) Exclusion of articles from entry during investigation except under bond.
  - (f) Cease and desist orders.
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  - (h) Period of effectiveness.
  - (i) Importation by or for United States.
  - (j) Definition of United States.
- 1337a. Importation of products produced under process covered by claims of unexpired patent.
- 1338. Discrimination by foreign countries.
  - (a) Additional duties.
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  - (d) Duties to offset commercial disadvantages.
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  - (h) Rules and regulations of Secretary of Treasury.
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- 1339. Repealed.
- 1340. Omitted.
- 1341. Interference with functions of Commission.
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  - (b) Penalty.
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- 1351. Foreign trade agreements.
  - (a) Authority of President; modification and decrease of duties; altering import restrictions.
  - (b) Cuba; preferential customs treatment; decrease of rates.
  - (c) Definitions.
  - (d) Rate basis for additional increases or decreases; restoration of terminated treaties forbidden.
  - (e) Repealed.
  - (f) Information and advice from industry, agriculture, and labor.
- 1352. Equalization of costs of production.
  - (a) Application to importation of articles under foreign-trade agreement.
  - (b) Termination of foreign trade agreement.
  - (c) Termination of authority of President.
- 1352a. Repealed.
- 1353. Indebtedness of foreign countries, effect on.
- 1354. Notice of intention to negotiate agreement; opportunity to be heard; President to seek information and advice.
- 1355, 1356. Repealed.
- 1356a. Importation of coffee under International Coffee Agreement, 1962; Presidential powers and duties.
- 1356b. Definition of coffee.
- 1356c. Delegation of Presidential powers and duties; protection of interests of United States consumers.
- 1356d. Report to the Congress.
- 1356e. Authorization of appropriations; limitation on United States contribution for administration of agreement.
- 1356f. Importation of coffee under International Coffee Agreement, 1968; Presidential powers and duties.
- 1356g. Definition of coffee.
- 1356h. Delegation of Presidential powers and duties; protection of interests of United States consumers; remedial action.
- 1356i. Report to the Congress.
- 1356j. Prevention of discrimination against vessels registered under laws of the United States.
  - (a) Procedures; remedial action.
  - (b) Publication in Federal Register of findings.
  - (c) Powers and duties of Federal Maritime Commission unaffected.
- 1357 to 1359. Repealed.
- 1360. Peril point; procedure by International Trade Commission.
- 1361 Action by President; reports to Congress.
- 1362 to 1365. Repealed.
- 1366. General Agreement on Tariff and Trade unaffected.
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- 1401. Miscellaneous.
  - (a) Vessel.
  - (b) Vehicle.
  - (c) Merchandise.
  - (d) Person.
  - (e) Master.
  - (f) Day.
  - (g) Night.
  - (h) United States.
  - (i) Officer of the customs; customs officer.
  - (j) Customs waters.
  - (k) Hovering vessel.
  - (*l*) Secretary.
- 1401a. Value.
  - (a) Basis.
  - (b) Export value.
  - (c) United States value.
  - (d) Constructed value.
  - (e) American selling price.
  - (f) Definitions.
  - (g) Transactions between related persons.
- 1402. Value (Alternative).
  - (a) Basis.
  - (b) Review of decision of appropriate customs officer.
  - (c) Foreign value.
  - (d) Export value.
  - (e) United States value.
  - (f) Cost of production.
  - (g) American selling price.

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1432. Manifest to specify sea and ship's stores.
1432a. Entry after visiting hovering vessel as arrival.
1433. Report of arrival.
1434. Entry of American vessels.
1435. Entry of foreign vessels.
1435a. Entry; duties of master; performance by licensed deck officer or purser.
1435b. Clearance of vessels arriving on Sundays, holidays, or at night.
1436. Failure to report or enter vessel; additional penalty where vessel carrying nonimportable goods or liquor.
1437. Documents returned at clearance.
1438. Unlawful return of foreign vessel's papers.
1439. Delivery of manifest.
1440. Correction of manifest.
1441. Vessels not required to enter.
1442. Residue cargo.
1443. Cargo for different ports; manifest and permit.
1444. Arrival at another port.
1445. Penalties for failure to have permit and certified manifest.
1446. Supplies and stores retained on board.
1447. Place of entry and unlading.
1448. Unlading.
    (a) Permits and preliminary entries.
    (b) Special delivery permit.
1449. Unlading at port of entry.
1450. Unlading on Sundays, holidays, or at night.
1451. Extra compensation.
1451a. Extra compensation payable by United States; refunds; appropriations.
1452. Lading on Sundays, holidays, or at night.
1453. Lading and unlading of merchandise or baggage; penalties.
1454. Unlading of passengers; penalty.
1455. Boarding and discharging inspectors.
1456. Compensation and expenses of inspectors between ports; reimbursement.
1457. Time for unlading.
1458. Bulk cargo, time for unlading.
1459. Contiguous countries; report and manifest.
1460. Penalties for failure to report or file manifest.
1461. Inspection of merchandise and baggage.
1462. Forfeiture.
1463. Sealed vessels and vehicles.
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1465. Supplies.
1466. Equipment and repairs of vessels.
    (a) Vessels subject to duty; penalties.
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    (a) In general.
    (b) Shipments not purchased and not shipped by manufacturer.
    (c) Purchases in different consular districts.
    (d) Exceptions by regulations.
1482. Certified invoice.
    (a) Certification in general.
    (b) Declaration.
    (c) Making and signing.
    (d) Certified under existing law.
    (e) Disposition.
    (f) Certification by others than American consul.
    (g) Effective date.
1483. Consignee as owner of merchandise.
1484. Entry of merchandise.
    (a) Requirement and time.
    (b) Production of certified invoice.
    (c) Production of bill of lading.
    (d) Signing and contents.
    (e) Statistical enumeration.
    (f) Packages included.
    (g) Statement of cost of production.
    (h) Entry on carrier's certificate.
    (i) Entry on duplicate bill of lading.
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1485. Declaration.
    (a) Requirement; form and contents.
    (b) Books and periodicals.
    (c) Agents.
    (d) Liability of consignee for increased duties.
    (e) Separate forms for purchase and nonpurchase importations.
    (f) Deceased or insolvent persons; partnerships and corporations.
1486. Administration of oaths.
    (a) Customs officers.
    (b) Postmasters.
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    (d) Verification in lieu of oath.
1487. Value in entry; amendment.
1488. Repealed.
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1490. General orders.
    (a) Incomplete entry.
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1492. Destruction of abandoned or forfeited merchandise.
1493. Proceeds of sale.
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    (a) Authorized for certain merchandise.
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1499. Examination of merchandise.
1500. Appraisement, classification, and liquidation procedure.
1501. Voluntary reliquidations by appropriate customs officer; notice.
1502. Regulations for appraisement and classification.
    (a) Powers of Secretary of the Treasury.
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    (c) Duties of customs officers.
1503. Dutiable value.
1503a, 1504. Repealed.
1505. Payment of duties.
1506. Allowance for abandonment and damage.
    (1) Abandonment within thirty days.
    (2) Perishable merchandise, condemned.
1507. Tare and draft.
1508. Repealed.
1509. Examination of importer and others.
1510. Penalties for refusal to give testimony.
1511. Inspection of importer's books.
1512. Deposit of duty receipts.
1513. Customs officer's immunity.
1514. Protest against decision of appropriate customs officer.
    (a) Finality of decisions; return of papers.
    (b) Form, number, and amendment of protest; filing of protest.
    (c) Limitation on protest of reliquidation.
1515. Review of protests; administrative review and modification of decisions; request for accelerated disposition of protest.

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1516. Petitions by American manufacturers, producers, or wholesalers.
(a) Classification, rate of duty, countervailing duty, and antidumping duty furnished upon request; petition; contents.
(b) Determination of petition; notification to petitioner; procedures for countervailing duties and antidumping duties.
(c) Determination of correctness of initial appraised value, classification, rate of duty, or non-assessment of countervailing duties or antidumping duties; contest by petitioner; procedure.
(d) Contest of Secretary's determination that foreign merchandise is not being sold in United States at less than fair value or that bounty or grant is not being paid.
(e) Appraisal, classification, and liquidation of entries of merchandise covered by published decisions of the Secretary.
(f) Consignee or his agent as party in interest before the Customs Court.
(g) Appraisement, classification, and assessment of duty of merchandise covered by published decision of the Secretary in accordance with final judicial decision of Customs Court or Court of Customs and Patent Appeals sustaining cause of action in whole or in part; suspension of liquidation of entries.
(h) Regulations implementing required procedures.
1517 to 1519. Repealed.
1520. Refunds and errors.
(a) Cases in which refunds authorized.
(b) Authorization of appropriations.
(c) Reliquidation of entry.
1521. Reliquidation on account of fraud.
1522. Omitted.
1523. Examination of accounts.
1524. Deposit of reimbursable charges.
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1526. Merchandise bearing American trade-mark.
(a) Importation prohibited.
(b) Seizure and forfeiture.
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1527. Importation of wild mammals and birds in violation of foreign law.
(a) Importation prohibited.
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1528. Taxes not to be construed as duties.

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1556. Bonded warehouses; regulations for establishing.
1557. Entry for warehouse.
(a) Withdrawal of merchandise; time; payment of charges.
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1558. No remission or refund after release of merchandise.

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1559. Warehouse goods deemed abandoned after three years.
1560. Leasing of warehouses.
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1563. Allowance for loss, abandonment of warehouse goods.
1564. Liens.
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(b) Officers of Department of Treasury.
(c) Penalty for presenting forged, altered or false documents.
(d) Penalty for failure to stop at command.
(e) Seizure of vessel or merchandise.
(f) Duty of customs officers to seize vessel.
(g) Vessels deemed to be employed within United States.
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1582. Search of persons and baggage; regulations.
1583. Certification of manifest.
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1585. Departure before report or entry.
1586. Unlawful unlading or transshipment.
(a) Penalty for unlading prior to grant of permission.
(b) Penalty for transshipment to any vessel for purpose of unlawful entry.
(c) Penalty for unlawful transshipment to any vessel of United States.
(d) Liability of master of receiving vessel in unlawful transshipment.
(e) Imprisonment of persons aiding in unlawful unlading or transshipment.
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1587. Examination of hovering vessels.
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1588. Transportation between American ports via foreign ports.
1589 to 1591. Repealed.
1592. Penalty against goods.
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1595. Searches and seizures.
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1595a. Forfeitures; penalty for aiding unlawful importation.
1596 to 1598. Repealed.
1599. Officers not to be interested in vessels or cargo.
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1602. Seizure; report to customs officer.
1603. Seizure; customs officer's reports.
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1608. Seizure; claims; judicial condemnation.
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1610. Seizure; value more than $2,500.
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1612. Seizure; summary sale.
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1614. Release of seized property.
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1618. Remission or mitigation of penalties.
1619. Award of compensation to informers.
1620. Acceptance of money by United States officers.
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1622. Foreign landing certificates.
1623. Bonds and other security.
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    (b) Conditions and form of bond.
    (c) Cancellation of bond.
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1644. Application of section 177 of Title 49.
1645. Transportation and interment of remains of deceased employees in foreign countries; travel or shipping expenses incurred on foreign ships.
    (a) Transfers in foreign countries.
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1646. Repealed.
1646a. Supervision by customs officers.
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1648. Uncertified checks, United States notes, and national bank notes receivable for customs duties.
1649. Change in designation of customs attachés.
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1651 Repeals.
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    (b) General repeal.
    (c) Rights and liabilities under acts repealed or modified.
    (d) Certain acts not affected.
1652. Separability of provisions.
1653. Effective date of chapter.
1653a. Transferred
1654. Short title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 81c of this title; title 7 section 624; title 13 section 301; title 15 section 69d; title 16 section 1540; title 26 sections 993, 5007; title 28 section 1582.

SUBTITLE I—TARIFF SCHEDULES OF THE UNITED STATES

CODIFICATION

Titles I and II of act June 17, 1930, ch. 497, 46 Stat. 590, 672, which comprised the dutiable and free lists for articles imported into the United States, were formerly classified to sections 1001 and 1201 of this title, and were stricken by Pub. L. 87-456, title I, § 101(a), May 24, 1962, 76 Stat. 72. The Revised Tariff Schedules are classified to section 1202 of this title.

CHANGE OF NAME

The United States Tariff Commission was renamed the United States International Trade Commission by Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009, which is classified to section 2231 of this title.

SUBTITLE REFERRED TO IN OTHER SECTIONS

This subtitle is referred to in section 1336 of this title.

TARIFF CLASSIFICATION ACT OF 1962; ADOPTION OF REVISED TARIFF SCHEDULES; ADMINISTRATIVE AND SAVINGS PROVISIONS

Titles I and II of Pub. L. 87-456, May 24, 1962, 76 Stat. 72, as amended by Pub. L. 87-794, title II, § 257(g), Oct. 11, 1962, 76 Stat. 882, provided:

"TITLE I—ADOPTION OF REVISED TARIFF SCHEDULES

"SEC. 101. (a) The Tariff Act of 1930, as amended [this chapter], is amended by striking out titles I and II (19 U.S.C. 1001 and 1201) and, subject to subsection (b) of this section and to sections 102 and 103 of this Act, by substituting in lieu thereof a new title I entitled "Title I—Tariff Schedules of the United States'.

"(b) Such new title I (hereinafter in this Act referred to as the 'Tariff Schedules of the United States') shall consist of—

"(1) the general headnotes and rules of interpretation;

"(2) schedules 1 to 8, inclusive; and

"(3) the appendix to the tariff schedules;

all as set forth in the report of the United States Tariff Commission (hereinafter in this Act referred to as the 'Commission') entitled 'Tariff Classification Study, Proposed Revised Tariff Schedules of the United States', dated November 15, 1960, as changed by the 'First Supplemental Report' (January 1962) [set forth in section 1202 of this title]; and

"(4) subject to subsection (c), such changes in the provisions identified in paragraphs (1), (2), and (3) of this subsection as the Commission decides—

"(A) are necessary to reflect changes in tariff treatment made by statute or under authority of law, arising either before the date of the enactment of this Act [May 24, 1962] or on or after such date of enactment and before the date on which the Tariff Schedules of the United States is published pursuant to subsection (d), or

"(B) are otherwise necessary.

In its determinations under this paragraph, the Commission shall apply the standards it applied in its report of November 15, 1960, referred to above.

"(c)(1) The Commission shall include the changes provided for in subsection (b)(4), together with the reasons therefor, in one or more supplemental reports which shall be promptly published and submitted to the President and the Congress. The delivery to the Senate and to the House of Representatives shall be made on the same day. In its supplemental reports the Commission shall include written views submitted to the Commission, and testimony before the Commission, with respect to provisions of the proposed Tariff Schedules of the United States, together with the comments of the Commission on such views and testimony.

"(2)(A) No change submitted pursuant to the authority contained in subsection (b)(4)(B) shall become effective unless, following the date on which the supplemental report containing such change was submitted to the Congress and before the date on which the Tariff Schedules of the United States is published pursuant to subsection (d), a period of 60 calendar days of continuous session of the Congress has elapsed.

"(B) For purposes of subparagraph (A)—

"(i) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

"(ii) in the computation of the 60-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain.

"(3) No changes included by the Commission in any supplemental report submitted after the date of the enactment of this Act [May 24, 1962] shall become effective unless included in the Tariff Schedules of the United States as published pursuant to subsection (d).

"(d) At the earliest practicable date before the date of the proclamation of the President provided for by section 102, the President shall cause the Tariff

Schedules of the United States to be published [see letter set forth below].

"SEC. 102. At the earliest practicable date, the President shall take such action as he deems necessary to bring the United States schedules annexed to foreign trade agreements into conformity with the Tariff Schedules of the United States and, after such action is completed, the President shall proclaim—

"(1) the rates of duty in rate column numbered 1 and the other provisions of the Tariff Schedules of the United States, which are required or appropriate to carry out the foreign trade agreements to which the United States is a contracting party;

"(2) the temporary modifications set forth in part 2 of the appendix to the tariff schedules (that is, those modifications proclaimed pursuant to the provisions of section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364), and of other trade-agreements legislation);

"(3) the additional import restrictions set forth in part 3 of the appendix to the tariff schedules (that is, those restrictions proclaimed pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624); and

"(4) the nations or areas and countries set forth in general headnote 3(d) of the Tariff Schedules of the United States (relating to the treatment of products of certain Communist-dominated nations or areas and countries discriminating against American commerce).

"SEC. 103. The provisions of the Tariff Schedules of the United States as made effective on the date provided by section 501 shall have the status of statutory provisions duly enacted by the Congress, except for—

"(1) the rates of duty in rate column numbered 1 of the tariff schedules proclaimed pursuant to paragraph (1) of section 102 which are lower than the rates of duty in rate column numbered 2 of such schedules for the corresponding items; and

"(2) the provisions proclaimed by the President pursuant to paragraphs (2), (3), and (4) of section 102.

"SEC. 104. During the period between the date of the enactment of this Act and the effective date of the Tariff Schedules of the United States—

"(1) all public notices which refer to articles in terms of their tariff descriptions and which are issued in connection with investigations by the Commission or other agency, and all findings of recommendations made during such period by any such agency with respect thereto (including findings or recommendations in connection with investigations instituted before the date of the enactment of this Act), shall make reference to the prospectively applicable provisions of such schedules, as determined by the Commission, as well as to the existing provisions; and

"(2) the Commission shall furnish to the President, upon request, any of its outstanding findings restated so as to conform to the Tariff Schedules of the United States to the fullest extent practicable consistent with the purposes of title I of the Customs Simplification Act of 1954.

Any such findings or recommendations with respect to the Tariff Schedules of the United States shall be treated as formal findings or recommendations of the agency involved.

"TITLE II—ADMINISTRATIVE AND SAVING PROVISIONS

"SEC. 201. The Commission is authorized to issue, at appropriate intervals, and to keep up to date, a publication containing current tariff schedules and related matters, including such matter as may be needed for reporting statistics.

"SEC. 202. (a) This Act shall not divest the courts of their jurisdiction over a protest filed under section 514 of the Tariff Act of 1930, as amended (19 U.S.C. 1514), or by an American manufacturer, producer, or wholesaler under section 516(b) of such Act (19 U.S.C. 1516(b)), against a liquidation covering articles entered, or withdrawn from warehouse, for consumption before the effective date of the Tariff Schedules of the United States.

"(b) If such a protest filed under section 516(b) is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, the liquidations covering articles of the character covered by such court decision, which are entered, or withdrawn from warehouse, for consumption after the date of publication of such court decision, shall be suspended until final disposition is made in accordance with subsection (c).

"(c) If such a protest filed under section 516(b) is not sustained in whole or in part by a final judicial decision, the entries made before the effective date of the Tariff Schedules of the United States shall be liquidated in accordance with such final decision, and all other entries shall be liquidated subject to such schedules. If such a protest is sustained in whole or in part by a final judicial decision, the entries made before the effective date of the Tariff Schedules of the United States shall be liquidated in accordance with such final decision, and the Commission shall report to the President such changes in the Tariff Schedules of the United States as the Commission decides are necessary to conform them to the fullest practicable extent to the substance of such final decision. The President shall, as soon as practicable, proclaim such changes. The changes shall be effective with respect to entries, the liquidation of which was suspended in accordance with subsection (b), covering articles entered, or withdrawn from warehouse, for consumption on or after the effective date of the Tariff Schedules of the United States.

"SEC. 203. For purposes of applying sections 323 and 350 of the Tariff Act of 1930, as amended [sections 1323 and 1351 of this title], and the Trade Expansion Act of 1962 [chapter 7 of this title], with respect to the Tariff Schedules of the United States—

"(1) The rate of duty in rate column numbered 2 for each item in schedules 1 to 7, inclusive of the Tariff Schedules of the United States shall be treated as the rate of duty existing on July 1, 1934.

"(2) The lowest preferential or nonpreferential rate of duty in rate column numbered 1 for each item in schedules 1 to 7, inclusive, of the Tariff Schedules of the United States on the effective date provided in section 501(a) of this Act shall be treated as the lowest preferential or nonpreferential rate of duty, respectively, existing on July 1, 1962; except that in the case of any such item included in a supplemental report made pursuant to section 101(c) of this Act to reflect a change proclaimed by the President after July 1, 1962 (other than a change to which the United States was committed on July 1, 1962), the rate treated as the lowest nonpreferential rate of duty existing on July 1, 1962, shall be the rate which the Commission specifically declares in such supplemental report to be the rate which, in its judgment, conforms to the fullest extent practicable to the rate regarded as existing on July 1, 1962, under section 256(4) of the Trade Expansion Act of 1962 [section 1886(4) of this title].

"(3) Legislation entering into force after the effective date provided for in section 501(a) of this Act which results in the permanent reclassification of any article without specifying the rate of duty applicable thereto, and proclamations under section 202(c) of this Act, shall be considered as having been in effect since June 30, 1962."

EFFECTIVE DATE OF 1966 AMENDMENT

Section 2 of Pub. L. 89-651, Oct. 14, 1966, 80 Stat. 897, provided that: "This Act [see Short Title note below] shall become effective with respect to articles entered, or withdrawn from warehouse for consumption on or after a date to be proclaimed by the President, which date shall be within a period of three months after the date on which the United States instrument of ratification of the Agreement on the Importation of Educational, Scientific, and Cultural Materials shall have deposited with the Secretary-General of the United Nations." See, Proc. 3754, set out below.

EFFECTIVE DATE OF 1965 AMENDMENTS AND MODIFICATIONS

Section 2 of Pub. L. 89-241, Oct. 7, 1965, 79 Stat. 933, as amended by Pub. L. 90-36, § 1, June 29, 1967, 81 Stat. 94, provided that:

"(a) Except as otherwise provided, the amendments and repeals made by this Act [to the Tariff Schedules of the United States] shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after the date of the enactment of this Act. [Oct. 7, 1965].

"(b) Upon request therefor filed with the collector of customs concerned on or before September 30, 1967, the entry or withdrawal of any article—

"(1) which was made after August 30, 1963, and before the 61st day after the date of the enactment of this Act [Oct. 7, 1965], and

"(2) with respect to which the amount of duty would be smaller if the amendments and repeals made by this Act [to the Tariff Schedules of the United States] (other than the amendments made by sections 28(a), 53(a), 78(a) and (b), and 87(a)) [to items 520.19—520.21, 685.40, Sched. 7, Pt. 8, Subpt. A, headnote 3, items 750.26—750.33, and 909.25 of the Tariff Schedules of the United States] applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 [section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the 61st day after the date of the enactment of this Act [Oct. 7, 1965]."

Pub. L. 89-283, title IV, § 401, Oct. 21, 1965, 79 Stat. 1021, provided that:

"(a) The modifications of the Tariff Schedules of the United States provided for in this title [to section 1202 of this title and schedules 2, 3, and 5—7 of the Tariff Schedules of the United States] shall not enter into force except as proclaimed by the President pursuant to section 201(a) of this Act [section 2011(a) of this title].

"(b) The rates of duty in column numbered 1 of the Tariff Schedules of the United States which are modified pursuant to section 201(a) of this Act [section 2011(a) of this title] shall be treated—

"(1) as not having the status of statutory provisions enacted by the Congress, but

"(2) as having been proclaimed by the President as being required to carry out a foreign trade agreement to which the United States is a party."

EFFECTIVE DATE OF TARIFF CLASSIFICATION ACT OF 1962

Section 501(a) of Pub. L. 87-456, title V, May 24, 1962, 76 Stat. 78, provided that: "Except as provided in subsection (b) [set out as a note under section 4501 of Title 26], the repeal of titles I and II of the Tariff Act of 1930 and the substitution of a new title I therefor, as provided for in title I of this Act, and the provisions of title III shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after the 10th day following the date of the proclamation of the President provided for in section 102 [see Proclamation set forth below]."

SHORT TITLE OF 1966 AMENDMENT

Section 1(a) of Pub. L. 89-651, Oct. 14, 1966, 80 Stat. 897, provided that: "This Act [which enacted section 1544 of Title 28, Judiciary and Judicial Procedure, amended Schedules 2, 7, and 8 of the Tariff Schedules of the United States and section 2602 of title 28, and enacted notes hereunder and under section 1981 of this title] may be cited as the 'Educational, Scientific, and Cultural Materials Importation Act of 1966'."

SHORT TITLE OF 1965 AMENDMENT

Section 1(a) of Pub. L. 89-241, Oct. 7, 1965, 79 Stat. 933, provided that: "This Act [which amended section 1202 of this title and Schedules 1 to 8 and Appendix to Schedules, and enacted provisions set out as notes hereunder and under section 1981 of this title] may be cited as the 'Tariff Schedules Technical Amendments Act of 1965'."

Section 1(c) of Pub. L. 89-241, Oct. 7, 1965, 79 Stat. 933, provided that: "Title I of the Tariff Act of 1930 [this subtitle], as in effect on or after August 31, 1963, may be cited as the 'Tariff Schedules of the United States'."

SHORT TITLE

Section 1 of Pub. L. 87-456, May 24, 1962, 76 Stat. 72 provided: "That this Act [which amended section 1312 of this title, section 1856 of Title 7, Agriculture, section 41 of Title 21, Food and Drugs, sections 4501 and 6418 of Title 26, Internal Revenue Code, section 474 of Title 40, Public Buildings, Property, and Works, and section 2201 of Title 42, The Public Health and Welfare, repealed sections 193 to 195, 196a, 420, 1301a, 1308, 1367, 1489, 1504 and 1508 of this title and section 2383 of Title 10, Armed Forces, and enacted provisions set out as notes preceding section 1202 of this title, under section 1861 of this title and section 4501 of title 26] may be cited as the 'Tariff Classification Act of 1962'."

PURPOSE OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS IMPORTATION ACT OF 1966

Section 1(b) of Pub. L. 89-651, Oct. 14, 1966, 80 Stat. 897 provided that: "The purpose of this Act [see Short Title note above] is to enable the United States to give effect to the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, with a view to contributing to the cause of peace through the freer exchange of ideas and knowledge across national boundaries."

PROC. NO. 4074. IMPOSITION OF SUPPLEMENTAL DUTY FOR BALANCE OF PAYMENTS PURPOSES

Proc. No. 4074, Aug. 15, 1971, 36 F.R. 15724, as amended by Proc. No. 4098, Dec. 20, 1971, 36 F.R. 2420, provided:

WHEREAS, there has been a prolonged decline in the international monetary reserves of the United States, and our trade and international competitive position is seriously threatened and, as a result, our continued ability to assure our security could be impaired;

WHEREAS, the balance of payments position of the United States requires the imposition of a surcharge on dutiable imports;

WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including, but not limited to, the Tariff Act of 1930, as amended [this chapter] (hereinafter referred to as "the Tariff Act"), and the Trade Expansion Act of 1962 [section 1801 et seq. of this title] (hereinafter referred to as "the TEA"), the President entered into, and proclaimed tariff rates under trade agreements with foreign countries;

WHEREAS, under the Tariff Act, the TEA, and other provisions of law, the President may, at any time, modify or terminate, in whole or in part, any proclamation made under his authority;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including, but not limited to, the Tariff Act, and the TEA, respectively, do proclaim as follows:

A. I hereby declare a national emergency during which I call upon the public and private sector to make the efforts necessary to strengthen the international economic position of the United States.

B. [Terminated by Proc. No. 4098, Dec. 20, 1971, 36 F.R. 24201.]

C. [Terminated by Proc. No. 4098, Dec. 20, 1971, 36 F.R. 24201.]

D. This Proclamation shall be effective 12:01 a.m., August 16, 1971.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of August in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth.

RICHARD NIXON.

PROC. NO. 3754. EFFECTIVE DATE OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS IMPORTATION ACT OF 1966

Proc. No. 3754, Nov. 3, 1966, 31, F.R. 14381, provided:

WHEREAS Section 2 of the Educational, Scientific, and Cultural Materials Importation Act of 1966, approved October 14, 1966 (Pub. Law 89-651) [set out as a note above], provides that the Act shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after a date proclaimed by the President, which date shall be within a period of three months after the date on which the United States instrument of ratification of the Agreement on the Importation of Educational, Scientific, and Cultural Materials (commonly referred to as the Florence Agreement) shall have been deposited with the Secretary-General of the United Nations; and

WHEREAS such instrument of ratification was deposited with the Secretary-General of the United Nations on November 2, 1966:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including Section 2 of the Educational, Scientific, and Cultural Materials Importation Act of 1966, do proclaim that that Act shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after February 1, 1967.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the United States of America to be affixed.

DONE at the City of Washington this third day of November in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

[SEAL]

LYNDON B. JOHNSON.

PRESIDENTIAL LETTER DIRECTING PUBLICATION OF TARIFF SCHEDULES OF UNITED STATES

THE WHITE HOUSE,
Washington, August 15, 1963.

DEAR MR. ADMINISTRATOR:

Pursuant to the authority vested in me by section 101(d) of the Tariff Classification Act of 1962, I hereby direct you to publish in the FEDERAL REGISTER the Tariff Schedules of the United States, which shall consist of—

1. the general headnotes and rules of interpretation;
2. schedules 1 to 8 inclusive; and
3. the appendix to the Tariff Schedules

as set forth in the report of the United States Tariff Commission, "Tariff Classification Study, Proposed Revised Tariff Schedules of the United States," dated November 15, 1960, as changed by the First through Seventh Supplemental Reports.

It is requested that this letter be published in the FEDERAL REGISTER.

Sincerely,

JOHN F. KENNEDY.

HON. BERNARD L. BOUTIN,
Administrator, General Services Administration,
Washington 25, D.C.

PROC. NO. 3548. EFFECTIVE DATE OF TARIFF SCHEDULE

Proc. No. 3548, Aug. 21, 1963, 28, F.R. 9279, provided:

WHEREAS I have caused the Tariff Schedules of the United States to be published in the FEDERAL REGISTER in conformity with Section 101(d) of the Tariff Classification Act of 1962 (P.L. 87-456, 76 Stat. 72) [set forth above];

WHEREAS I have taken such action as I deem necessary to bring the United States schedules annexed to foreign trade agreements into conformity with the Tariff Schedules of the United States as provided for in Section 102 of the Tariff Classification Act of 1962, as amended (P.L. 87-456, 76 Stat. 72, as amended by Section 257(g) of P.L. 87-794, 76 Stat. 882) [set forth above]; and

WHEREAS I have determined that the rates and provisions proclaimed in paragraph 1 of this proclamation are required or appropriate to carry out foreign trade agreements to which the United States is a party:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of the Constitution and statutes, including Section 102 of the Tariff Classification Act of 1962, as amended, do proclaim:

1. The rates of duty in column numbered 1 of Schedules 1 to 8, inclusive (except the rates for the items listed in Annex A which is attached and made a part of this proclamation), and the other provisions of the Tariff Schedules of the United States which relate thereto;
2. The temporary modifications set forth in Part 2 of the Appendix to the Tariff Schedules of the United States;
3. The additional import restrictions set forth in Part 3 of the Appendix to the Tariff Schedules of the United States; and
4. The nations or areas and countries set forth in general headnote 3(d) of the Tariff Schedules of the United States (relating to the treatment of products of certain Communist-dominated nations or areas).

The Tariff Schedules of the United States shall become effective as to articles entered, or withdrawn from warehouse, for consumption on or after August 31, 1963.

As to articles entered, or withdrawn from warehouse, for consumption on or after August 31, 1963, the provisions of all prior proclamations which provide for customs treatment inconsistent with the Tariff Schedules of the United States are hereby superseded.

IN WITNESS WHEREAS, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of August in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

JOHN F. KENNEDY.

ANNEX A

ITEMS IN TARIFF SCHEDULES OF THE UNITED STATES

1. Schedules 1-7

100.03	100.05	100.35	100.45	100.65
100.77	100.79	105.60	105.70	105.84
107.10	107.35	111.56	111.60	112.34
112.66	112.74	113.20	113.25	118.10
118.15	118.25	119.65	119.70	126.59
126.91	130.35	130.50	130.55	131.20
131.30	131.37	131.45	131.60	131.85
135.16	135.70	135.80	135.81	136.61
137.10	140.16	140.20	140.26	140.30
140.40	140.50	140.60	140.65	140.70
141.20	141.40	145.09	145.12	145.20
145.22	145.28	145.30	145.40	145.41
145.48	145.58	146.20	146.24	146.40
146.64	146.91	146.93	147.31	147.40
147.42	147.44	147.46	147.48	147.72

1. Schedules 1-7—Continued

147.75	148.40	148.44	148.48	148.50
148.52	148.56	148.74	148.83	148.90
149.10	149.22	149.26	149.28	152.05
152.22	152.38	152.50	154.35	154.60
155.10	155.12	155.75	160.20	160.40
161.01	161.11	161.27	161.33	161.39
161.43	161.67	161.71	161.75	161.81
161.94	167.90	168.90	170.01	170.05
170.35	170.55	175.03	175.15	175.33
175.42	175.49	175.54	176.01	176.18
176.20	176.22	176.26	176.38	176.40
176.49	176.52	176.58	176.60	176.90
177.50	178.25	180.00	180.10	180.20
182.91	184.52	186.15	188.18	188.22
188.30	188.32	188.34	188.36	188.50
190.30	190.50	191.10	192.65	192.70
200.30	200.40	200.50	202.36	220.05
220.10	220.30	220.31	222.28	240.10
240.12	240.30	240.32	274.27	300.10
300.30	300.40	300.45	304.34	305.20
305.28	305.30	306.40	306.41	306.42
306.43	306.60	306.61	306.62	306.63
307.40	309.41	315.45	315.60	315.80
315.85	315.90	315.95	346.10	357.80
357.90	363.50	366.06	366.45	366.63
370.16	386.20	405.55	406.02	406.04
408.05	408.10	408.15	408.25	408.35
408.40	408.60	408.70	408.75	409.00
415.05	415.27	415.30	416.05	416.20
417.62	418.12	418.16	418.70	419.24
419.36	419.82	420.06	420.08	420.20
420.26	420.72	420.74	420.76	420.78
420.82	420.86	421.46	421.52	421.58
422.10	422.12	422.14	422.50	422.52
425.78	425.88	426.14	426.78	426.82
426.94	426.98	427.02	427.14	429.24
435.50	435.60	435.75	437.04	437.06
437.10	437.14	437.50	437.74	452.04
452.12	452.50	452.54	452.56	452.60
452.62	452.66	460.20	460.60	472.30
474.02	485.40	485.50	493.22	493.25
493.35	493.45	494.08	494.10	494.16
512.31	512.35	513.91	515.11	516.74
519.71	520.75	522.24	522.37	523.41
523.81	531.21	532.14	601.03	601.12
601.30	601.45	601.54	601.57	602.25
603.10	603.15	632.02	632.32	632.34
632.60	644.15	644.52	644.56	644.64
644.68	644.80	644.84	646.06	652.45
653.22	670.62	670.68	683.70	700.05
702.45	704.05	704.20	704.40	704.55
704.56	708.41	708.57	708.75	708.89
708.93	709.01	710.06	710.88	720.84
722.12	722.55	724.05	724.15	724.20
724.30	730.10	730.15	732.26	737.05
745.20	745.22	750.30	755.45	760.30
765.30	773.15	774.20	790.20	792.30

2. Schedule 8

All items except the following:

805.00	808.00	810.10	813.20	826.10
830.00	840.00	850.10	850.30	850.40
850.70	851.10	851.20	851.30	862.10
862.20				

§ 1202. Revised Tariff Schedules

[28 F.R. 8625]

1. *Tariff treatment of imported articles*—All articles imported into the customs territory of the United States from outside thereof are subject to duty or exempt therefrom as prescribed in general headnote 3.

2. *Customs territory of the United States*—The term "customs territory of the United States", as used in the schedules, includes only the States, the District of Columbia, and Puerto Rico.

3. *Rates of duty*—The rates of duty in the "Rates of Duty" columns numbered 1 and 2 of the schedules apply to articles imported into the customs territory of the United States as hereinafter provided in this headnote:

(a) *Products of insular possessions:*

(i) Except as provided in headnote 4 of schedule 7, part 7, subpart A, and in headnote 6 of schedule 7, part 2, subpart E, articles, imported from insular possessions of the United States which are outside the customs territory of the United States are subject to the rates of duty set forth in column numbered 1 of the schedules, except that all such articles the growth or product of any such possession, or manufactured or produced in any such possession from materials the growth, product, or manufacture of any such possession or of the customs territory of the United States, or of both, which do not contain foreign materials to the value of more than 50 percent of their total value (or more than 70 percent of their total value with respect to watches and watch movements), coming to the customs territory of the United States directly from any such possession, and all articles previously imported into the customs territory of the United States with payment of all applicable duties and taxes imposed upon or by reason of importation which were shipped from the United States, without remission, refund, or drawback of such duties or taxes, directly to the possession from which they are being returned by direct shipment, are exempt from duty.

(ii) In determining whether an article produced or manufactured in any such insular possession contains foreign materials to the value of more than 50 percent, no material shall be considered foreign which, at the time such article is entered, may be imported into the customs territory from a foreign country, other than Cuba or the Philippine Republic, and entered free of duty.

(iii) Subject to the limitations imposed under sections 503(b) and 504(c) of the Trade Act of 1974 [sections 2463(b) and 2464(c) of this title], articles designated eligible articles under section 503 of such Act [section 2463 of this title] which are imported from an insular possession of the United States shall receive duty treatment no less favorable than the treatment afforded such articles imported from a beneficiary developing country under V of such Act [section 2461 et seq. of this title].

(b) *Products of Cuba*—Products of Cuba imported into the customs territory of the United States, whether imported directly or indirectly, are subject to the rates of duty set forth in column numbered 1 of the schedules. Preferential rates of duty for such products apply only as shown in the said column 1.[1]

(c) *Products of Countries Designated Beneficiary Developing Countries for Purposes of the Generalized System of Preferences (GSP)*:

(i) The following countries and territories are designated beneficiary developing countries for purposes of the Generalized System of Preferences, provided for in Title V of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*):

(a) *Independent Countries*—Afghanistan, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Congo (Brazzaville), Costa Rica, Cyprus, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, India, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Korea, Republic of, Lebanon, Lesotho, Liberia, Malagasy Republic, Malawi, Malaysia, Maldive Islands, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nauru, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Republic of China, Romania, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Surinam, Swaziland, Syria, Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Upper Volta, Uruguay, Western Samoa, Yemen Arab Republic, Yugoslavia, Zaire, Zambia.

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[1] By virtue of section 401 of the Tariff Classification Act of 1962, the application to products of Cuba of either a preferential or other reduced rate of duty in column 1 is suspended. See general headnote 3(e), *infra.*

(b) *Non-Independent Countries and Territories*—Afars and Issas (French Territory of the), Antigua, Belize, Bermuda, British Indian Ocean Territory, British Solomon Islands, Brunei, Cayman Islands, Christmas Island (Australia), Cocos (Keeling) Islands, Comora Islands, Cook Islands, Dominica, Falkland Islands (Malvinas) and Dependencies, French Polynesia, Gibraltar, Gilbert Islands, Heard Island and McDonald Islands, Hong Kong, Macao, Montserrat, Netherlands Antilles, New Caledonia, New Hebrides Condominium, Niue, Norfolk Island, Pitcairn Island, Portuguese Timor, Saint Christopher-Nevis-Anguilla, Saint Helena, Saint Lucia, Saint Vincent, Seychelles, Spanish Sahara, Tokelau Islands, Trust Territory of the Pacific Islands, Turks and Caicos Islands, Tuvalu, Virgin Islands, British, Wallis and Futuna Islands.

(ii) Articles for which the designations "A" or "A*" appear in the column entitled "GSP" of the schedules are those designated by the President to be eligible articles for purposes of the GSP pursuant to Section 503 of the Trade Act [19 U.S.C. 2463]. The designation "A" signifies that all beneficiary developing countries are eligible for preferential treatment with respect to all articles provided for in the designated TSUS item, while the designation "A*" indicates that certain beneficiary developing countries, specifically enumerated in subdivision (c)(iii) of this headnote, are not eligible for such preferential treatment with regard to any article provided for in the designated TSUS item. Whenever an eligible article is imported into the customs territory of the United States directly from a country or territory listed in subdivision (c)(i) of this headnote, it shall receive duty-free treatment, unless excluded from such treatment by subdivision (c)(iii) of this headnote, provided that, in accordance with regulations promulgated by the Secretary of the Treasury:

(A) The sum of (1) the cost or value of the materials produced in the beneficiary developing country, plus (2) the direct costs of processing operations performed in such country is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States; or

(B) The sum of (1) the cost or value of the material produced in two or more beneficiary developing countries which are members of the same association of countries which is treated as one country under Section 502(a)(3) of the Trade Act [19 U.S.C. 2462(a)(3)], plus (2) the direct cost of processing operations performed in such countries is not less than 50 percent of the appraised value of such article at the time of its entry into the customs territory of the United States;

and provided further that, for the purposes of (A) above, the term "country" does not include an association of countries which is treated as one country under Section 502(a)(3) of the Trade Act [19 U.S.C. 2462(a)(3)], but does include a country which is a member of any such association.

(iii) The following designated eligible articles provided for in TSUS item numbers preceded by the designation "A*", if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not entitled to the duty-free treatment provided for in subdivision (c)(ii) of this headnote:

TSUS item No.	*Country or territory*
106.60	India
107.20	Argentina
107.45	Brazil
107.48	Argentina Brazil
107.70	Haiti
111.92	Philippine Republic
121.52	India
121.55	India
130.35	Brazil
130.40	Mexico
130.63	Mexico
131.35	Hong Kong
132.55	Mexico
135.30	Mexico
135.51	Mexico
135.80	Nicaragua
135.90	Mexico
136.00	Dominican Republic
136.80	Mexico
136.98	Dominican Republic
136.99	Republic of China
137.71	Mexico
137.75	Costa Rica
138.05	Mexico
140.09	Thailand
140.10	Chile
140.14	Thailand
140.20	Kenya
140.21	Mexico
140.25	Peru
140.35	Turkey
141.35	Turkey
141.55	Dominican Republic
141.70	Republic of China
141.77	Mexico
145.09	Dominican Republic
145.52	Portugal
145.53	Turkey
145.60	Republic of China
146.12	Argentina
146.22	Turkey
146.44	Philippine Republic

TSUS item No.	*Country or territory*
147.33	Jamaica
147.36	Republic of China
147.80	Philippine Republic
147.85	Brazil
148.72	Chile
148.77	Republic of Korea
149.15	Dominican Republic
149.50	Chile
152.43	Dominican Republic
152.54	Brazil
152.72	Honduras
153.02	Dominican Republic
153.28	Portugal
154.40	Republic of China
155.20	Argentina
	Brazil
	Republic of China
	Colombia
	Dominican Republic
	El Salvador
	Guatemala
	Guyana
	India
	Jamaica
	Nicaragua
	Panama
	Peru
	Philippine Republic
	Thailand
155.35	Barbados
156.35	Ivory Coast
156.45	Dominican Republic
161.15	Republic of China
161.53	Syria
161.69	Mexico
166.40	Mexico
168.15	Trinidad
176.15	Brazil
176.33	Malaysia
184.65	Republic of China
186.40	Mexico
192.85	Mexico
200.91	Honduras
202.62	Mexico
203.20	Costa Rica
206.47	Republic of China
206.60	Mexico
206.98	Republic of China
220.10	Portugal
220.15	Portugal
220.20	Portugal
220.25	Portugal
220.35	Portugal
220.37	Portugal
220.41	Portugal
220.48	Portugal
220.50	Portugal
222.10	Hong Kong
222.34	Philippine Republic
222.62	Philippine Republic
240.02	Philippine Republic
240.10	Panama
240.12	Republic of Korea
240.38	Philippine Republic
256.60	Republic of Korea
256.80	Mexico
256.85	Mexico
274.00	Mexico
304.04	Philippine Republic
304.40	Thailand
304.48	Brazil
304.58	India
305.20	India
305.22	India
305.28	India
305.30	Republic of China
305.40	Philippine Republic
306.52	Peru
308.30	Republic of Korea
316.50	Philippine Republic
319.01	India
319.03	India
319.05	India
319.07	India
335.50	India
347.30	India
355.04	Mexico
360.35	India
360.82	Hong Kong
370.17	Portugal
407.08	Dominican Republic
407.12	Romania
408.40	Mexico
417.90	Malaysia
418.78	Chile
418.80	Mexico
420.82	Israel
422.76	Mexico
425.00	Republic of China
425.84	Netherlands Antilles
425.86	Brazil
426.46	Mexico
437.16	India
437.64	Brazil
460.35	Republic of China
460.60	India
461.05	Israel
461.15	Bermuda
465.70	Argentina
473.46	Mexico
473.48	Mexico
473.52	Mexico
473.56	Mexico
473.58	Mexico
473.62	Mexico
473.66	Mexico
490.44	Hong Kong
493.21	Republic of China
493.82	Mexico
494.40	Cayman
511.31	Mexico
511.51	Syria
512.44	Mexico
513.84	Republic of China
514.11	Dominican Republic
514.54	Mexico
516.11	India
516.24	India
516.71	India
516.73	India
516.74	India
516.76	India
516.94	India
517.24	Malagasy Republic
518.41	Mexico
520.35	Thailand
520.51	Brazil
533.26	Romania
535.31	Mexico
540.21	Mexico
540.47	Mexico
544.11	Republic of China
545.31	Republic of China
545.53	Mexico
545.65	Mexico
546.23	Republic of China
603.45	Bolivia
603.50	Botswana
605.66	Singapore
610.71	Republic of Korea
612.02	Mexico
612.03	Chile
612.06	Chile
	Peru
	Yugoslavia
	Zambia
612.15	Mexico
612.70	Chile
612.72	Chile
613.18	Israel
620.08	Mexico
622.20	Malaysia
622.35	Hong Kong
624.02	Mexico
624.42	Mexico
624.50	Republic of China
626.42	Costa Rica
628.05	Mexico
628.10	Mexico
628.40	Singapore
640.10	Mexico
642.06	Hong Kong
646.04	Republic of China
646.86	Hong Kong
646.98	Mexico
649.39	Israel
649.71	Republic of China
650.79	India
650.83	Hong Kong
650.87	Hong Kong
651.03	Hong Kong
651.49	Republic of Korea
652.50	Israel
652.84	Mexico

TSUS item No.	*Country or territory*
653.02	Republic of Korea
653.03	Mexico
653.85	Republic of China
656.20	Hong Kong
657.90	Mexico
660.44	Mexico
672.10	Hong Kong
674.56	Mexico
676.52	Hong Kong Mexico
678.50	Republic of China
683.70	Hong Kong
683.80	Hong Kong
684.50	Hong Kong
685.24	Republic of China Hong Kong Republic of Korea Singapore
685.25	Republic of China
685.90	Mexico
686.30	Republic of China
687.30	Malaysia
688.10	Republic of China
688.12	Mexico
688.40	Hong Kong
692.27	Mexico
696.35	Republic of China
700.54	Hong Kong
702.08	Hong Kong
702.20	Hong Kong
702.45	Mexico
703.65	Mexico
703.75	Mexico
704.34	Philippine Republic
706.40	Hong Kong
711.30	Republic of China
713.07	Israel
713.15	Mexico
713.19	Mexico
724.35	Hong Kong
726.70	Mexico
730.27	Brazil
730.29	Brazil
730.41	Brazil
731.10	Republic of China
734.10	Republic of China
734.25	Hong Kong
734.30	Hong Kong
734.34	Hong Kong
734.51	Republic of China
734.54	Republic of Korea
734.56	Haiti
734.87	Republic of China
735.11	Republic of China
737.40	Hong Kong
737.80	Hong Kong
737.95	Hong Kong
740.10	Hong Kong
740.30	Hong Kong
741.20	Hong Kong
745.08	Hong Kong
748.12	Haiti
748.40	Republic of China
750.25	Hong Kong
750.35	Republic of China
750.65	Republic of Korea
751.05	Republic of China
751.20	Republic of China
755.30	Malta
760.65	Republic of China
771.05	Republic of China
771.45	Republic of China
772.03	Hong Kong
772.35	Republic of China
772.97	Hong Kong
773.10	Hong Kong
773.20	Republic of Korea
774.60	Hong Kong
790.39	Republic of China
790.60	Republic of China
790.70	Republic of Korea
791.17	Argentina
791.20	Brazil
791.25	Mexico
791.76	Republic of China Republic of Korea
791.80	Republic of China
792.22	India
792.50	Philippine Republic
792.60	Hong Kong
792.75	Hong Kong

(d) *Products of Canada*

(i) Products of Canada imported into the customs territory of the United States, whether imported directly or indirectly, are subject to the rates of duty set forth in column numbered 1 of the schedules. The rates of duty for a Canadian article, as defined in subdivision (d)(ii) of this headnote, apply only as shown in the said column numbered 1.

(ii) The term "Canadian article", as used in the schedules, means an article which is the product of Canada, but does not include any article produced with the use of materials imported into Canada which are products of any foreign country (except materials produced within the customs territory of the United States), if the aggregate value of such imported materials when landed at the Canadian port of entry (that is, the actual purchase price, or, if not purchased, the export value, of such materials, plus, if not included therein, the cost of transporting such materials to Canada but exclusive of any landing cost and Canadian duty) was—

(A) with regard to any motor vehicle or automobile truck tractor entered on or before December 31, 1967, more than 60 percent of the appraised value of the article imported into the customs territory of the United States; and

(B) with regard to any other article (including any motor vehicle or automobile truck tractor entered after December 31, 1967), more than 50 percent of the appraised value of the article imported into the customs territory of the United States.

(e) *Products of Communist countries*—Notwithstanding any of the foregoing provisions of this headnote, the rates of duty shown in column numbered 2 shall apply to products, whether imported directly or indirectly, of the following countries and areas pursuant to section 401 of the Tariff Classification Act of 1962, to section 231 or 257(e)(2) of the Trade Expansion Act of 1962, or to action taken by the President thereunder:[1]

Albania,
Bulgaria,
China (any part of which may be under Communist domination or control),
Cuba[2]
Czechoslovakia,
Estonia,

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[1] In Proclamation 4369, dated April 24, 1975, the President, acting under authority of section 404(a) of the Trade Act of 1974 (88 Stat. 1978) amended general headnote 3(e) by deleting "Rumania", effective August 3, 1975, the date on which written notices of acceptance were exchanged, following adoption on July 28, 1975 by the Congress of a concurrent resolution of approval extending nondiscriminatory treatment to the products of the Socialist Republic of Romania.

[2] In Proclamation 3447, dated Feb. 3, 1962, the President, acting under authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, prohibited the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba, subject to such exceptions as the Secretary of the Treasury determines to be consistent with the effective operation of the embargo.

Germany (the Soviet zone and the Soviet sector of Berlin),
Hungary,
Indochina (any part of Cambodia, Laos, or Vietnam which may be under Communist domination or control),
Korea (any part which may be under Communist domination or control),
Kurile Islands,
Latvia,
Lithuania,
Outer Mongolia,
Southern Sakhalin,
Tanna Tuva,
Tibet,
Union of Soviet Socialist Republics and the area in East Prussia under the provisional administration of the Union of Soviet Socialist Republics.

(f) *Products of all other countries*—Products of all countries not previously mentioned in this headnote imported into the customs territory of the United States are subject to the rates of duty set forth in column numbered 1 of the schedules.

(g) *Effective date; exceptions—Staged rates of duty*—Except as specified below or as may be specified elsewhere, pursuant to section 501(a) of the Tariff Classification Act of 1962 (P.L. 87-456, approved May 24, 1962), the rates of duty in columns numbered 1 and 2 become effective with respect to articles entered on or after the 10th day following the date of the President's proclamation provided for in section 102 of the said Act. If, in column numbered 1, any rate of duty or part thereof is set forth in parentheses, the effective date shall be governed as follows:

(i) If the rate in column numbered 1 has only one part (i.e., 8¢ (10¢) per lb.), the parenthetical rate (viz., 10¢ per lb.) shall be effective as to articles entered before July 1, 1964, and the other rate (viz. 8¢ per lb.) shall be effective as to articles entered on or after July 1, 1964.

(ii) If the rate in column numbered 1 has two or more parts (i.e., 5¢ per lb.+50% ad val.) and has a parenthetical rate for either or both parts, each part of the rate shall be governed as if it were a one-part rate. For example, if a rate is expressed as "4¢ (4.5¢) per lb.+8% (9%) ad val.", the rate applicable to articles entered before July 1, 1964, would be "4.5¢ per lb.+9% ad val."; the rate applicable to articles entered on or after July 1, 1964, would be "4¢ per lb.+8% ad. val.".

(iii) If the rate in column numbered 1 is marked with an asterisk (*), the foregoing provisions of (i) and (ii) shall apply except that "January 1, 1964" shall be substituted for "July 1, 1964," wherever this latter date appears.

4. *Modification of amendment of rates of duty*—Except as otherwise provided in the Appendix to the Tariff Schedules—

(a) a statutory rate of duty supersedes and terminates the existing rates of duty in both column numbered 1 and column numbered 2 unless otherwise specified in the amending statute;

(b) a rate of duty proclaimed pursuant to a concession granted in a trade agreement shall be reflected in column numbered 1 and, if higher than the then existing rate in column numbered 2, also in the latter column, and shall supersede but not terminate the then existing rate (or rates) in such column (or columns);

(c) a rate of duty proclaimed pursuant to section 336 of the Tariff Act of 1930 [19 U.S.C. 1336] shall be reflected in both column numbered 1 and column numbered 2 and shall supersede but not terminate the then existing rates in such columns; and

(d) whenever a proclaimed rate is terminated or suspended, the rate shall revert, unless otherwise provided, to the next intervening proclaimed rate previously superseded but not terminated or, if none, to the statutory rate.

5. *Intangibles*—For the purposes of headnote 1—

(a) corpses, together with their coffins and accompanying flowers,

(b) currency (metal or paper) in current circulation in any country and imported for monetary purposes,

(c) electricity,

(d) securities and similar evidences of value, and

(e) vessels which are not "yachts or pleasure boats" within the purview of subpart D, part 6, of schedule 6,

are not articles subject to the provisions of these schedules.

6. *Containers or holders for imported merchandise*—For the purposes of the tariff schedules, containers or holders are subject to tariff treatment as follows:

(a) *Imported empty*—Containers or holders if imported empty are subject to tariff treatment as imported articles and as such are subject to duty unless they are within the purview of a provision which specifically exempts them from duty.

(b) *Not imported empty*—Containers or holders if imported containing or holding articles are subject to tariff treatment as follows:

(i) The usual or ordinary types of shipping or transportation containers or holders, if not designed for, or capable of, reuse, and containers of usual types ordinarily sold at retail with their contents, are not subject to treatment as imported articles. Their cost, however, is, under section 402 or section 402a of the tariff act, a part of the value of their contents and if their contents are subject to an ad valorem rate of duty such containers or holders are, in effect, dutiable at the same rate as their contents, except that their cost is deductible from dutiable value upon submission of satisfactory proof that they are products of the United States which are being returned without having been advanced in value or improved in condition by any means while abroad.

(ii) The usual or ordinary types of shipping or transportation containers or holders, if designed for, or capable of, reuse, are subject to treatment as imported articles separate and distinct from their contents. Such holders or containers are not part of the dutiable value of their contents and are separately subject to duty upon each and every importation into the customs territory of the United States unless within the scope of a provision specifically exempting them from duty.

(iii) In the absence of context which requires otherwise, all other containers or holders are subject to the same treatment as specified in (ii) above for usual or ordinary types of shipping or transportation containers or holders designed for, or capable of, reuse.

7. *Commingling of articles:*

(a) Whenever articles subject to different rates of duty are so packed together or mingled that the quantity or value of each class of articles cannot be readily ascertained by customs officers (without physical segregation of the shipment or the contents of any entire package thereof), by one or more of the following means—

(i) sampling,

(ii) verification of packing lists or other documents filed at the time of entry, or

(iii) evidence showing performance of commercial settlement tests generally accepted in the trade and filed in such time and manner as may be prescribed by regulations of the Secretary of the Treasury,

the commingled articles shall be subject to the highest rate of duty applicable to any part thereof unless the consignee or his agent segregates the articles pursuant to subdivision (b) hereof.

(b) Every segregation of articles made pursuant to this headnote shall be accomplished by the consignee or his agent at the risk and expense of the consignee within 30 days (unless the Secretary authorizes in writing a longer time) after the date of personal delivery or mailing, by such employee as the Secretary of the Treasury shall designate, of written notice to the consignee that the articles are commingled and that the quantity or value of each class of articles cannot be readily ascertained by customs officers. Every such segregation shall be accomplished under customs supervision, and the compensation and expenses of the supervising customs officers shall be reimbursed to the Government by the consignee under such regulations as the Secretary of the Treasury may prescribe.

(c) The foregoing provisions of this headnote do not apply with respect to any part of a shipment if the consignee or his agent furnishes, in such time and manner as may be prescribed by regulations of the Secretary of the Treasury, satisfactory proof—

(i) that such part (A) is commercially negligible, (B) is not capable of segregation without excessive cost, and (C) will not be segregated prior to its use in a manufacturing process or otherwise, and

(ii) that the commingling was not intended to avoid the payment of lawful duties.

Any article with respect to which such proof is furnished shall be considered for all customs purposes as a part of the article, subject to the next lower rate of duty, with which it is commingled.

(d) The foregoing provisions of this headnote do not apply with respect to any shipment if the consignee or his agent shall furnish, in such time and manner as may be prescribed by regulations of the Secretary of the Treasury, satisfactory proof—

(i) that the value of the commingled articles is less than the aggregate value would be if the shipment were segregated;

(ii) that the shipment is not capable of segregation without excessive cost and will not be segregated prior to its use in a manufacturing process or otherwise; and

(iii) that the commingling was not intended to avoid the payment of lawful duties.

Any merchandise with respect to which such proof is furnished shall be considered for all customs purposes to be dutiable at the rate applicable to the material present in greater quantity than any other material.

(e) The provisions of this headnote shall apply only in cases where the schedules do not expressly provide a particular tariff treatment for commingled articles.

8. *Abbreviations*—In the schedules the following symbols and abbreviations are used with the meanings respectively indicated below:

$	dollars.
¢	cents.
%	percent.
+	plus.
ad val	ad valorem.
bu	bushel.
cu	cubic.
doz	dozen.
ft	feet.
gal	gallon.
in	inches.
lb	pounds.
oz	ounces.
sq	square.
wt	weight.
yd	yard.
pcs	pieces.
prs	pairs.
lin	linear.
I.R.C.	Internal Revenue Code.

9. *Definitions*—For the purposes of the schedules, unless the context otherwise requires—

(a) the term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States;

(b) the term "entered for consumption" does not include withdrawals from warehouse for consumption;

(c) the term "withdrawn for consumption" means withdrawn from warehouse for consumption and does not include articles entered for consumption;

(d) the term "rate of duty" includes a free rate of duty; rates of duty proclaimed by the President shall be referred to as "proclaiming" rates of duty; rates of duty enacted by the Congress shall be referred to as "statutory" rates of duty; and the rates of duty in column numbered 2 at the time the schedules become effective shall be referred to as "original statutory" rates of duty;

(e) the term "ton" means 2,240 pounds, and the term "short ton" means 2,000 pounds;

(f) the terms "of", "wholly of", "almost wholly of", "in part of" and "containing", when used between the description of an article and a material (e.g., "furniture *of* wood", "woven fabrics, *wholly of* cotton", etc.), have the following meanings:

(i) "of" means that the article is wholly or in chief value of the named material;

(ii) "wholly of" means that the article is, except for negligible or insignificant quantities of some other material or materials, composed completely of the named materials;

(iii) "almost wholly of" means that the essential character of the article is imparted by the named material, notwithstanding the fact that significant quantities of some other material or materials may be present; and

(iv) "in part of" or "containing" mean that the article contains a significant quantity of the named material.

With regard to the application of the quantitative concepts specified in subparagraphs (ii) and (iv) above, it is intended that the *de minimus* rule apply.

10. *General interpretative rules*—For the purposes of these schedules—

(a) the general, schedule, part, and subpart headnotes, and the provisions describing the classes of imported articles and specifying the rates of duty or other import restrictions to be imposed thereon are subject to the rules of interpretation set forth herein and to such other rules of statutory interpretation, not inconsistent therewith, as have been or may be developed under administrative or judicial rulings;

(b) the titles of the various schedules, parts, and subparts and the footnotes therein are intended for convenience in reference only and have no legal or interpretative significance;

(c) an imported article which is described in two or more provisions of the schedules is classifiable in the provision which most specifically describes it; but, in applying this rule of interpretation, the following considerations shall govern:

(i) a superior heading cannot be enlarged by inferior headings intended under it but can be limited thereby;

(ii) comparisons are to be made only between provisions of coordinate or equal status, i.e., between the primary or main superior headings of the schedules or between coordinate inferior headings which are subordinate to the same superior heading;

(d) if two or more tariff descriptions are equally applicable to an article, such article shall be subject to duty under the description for which the original statutory rate is highest, and, should the highest original statutory rate be applicable to two or more of such descriptions, the article shall be subject to duty under that one of such descriptions which first appears in the schedules;

(e) in the absence of special language or context which otherwise requires—

(i) a tariff classification controlled by use (other than actual use) is to be determined in accordance with the use in the United States at, or immediately prior to, the date of importation, of articles of that class or kind to which the imported articles belong, and the controlling use is the chief use, i.e., the use which exceeds all other uses (if any) combined;

(ii) a tariff classification controlled by the actual use to which an imported article is put in the United States is satisfied only if such use is intended at the time of importation, the article is so used, and proof thereof is furnished within 3 years after the date the article is entered;

(f) an article is in chief value of a material if such material exceeds in value each other single component material of the article;

(g) a headnote provision which enumerates articles not included in a schedule, part, or subpart is not necessarily exhaustive, and the absence of a particular article from such headnote provision shall not be given weight in determining the relative specificity of competing provisions which describes such article;

(h) unless the context requires otherwise, a tariff description for an article covers such article, whether assembled or not assembled, and whether finished or not finished;

(i) a provision for "parts" of an article covers a product solely or chiefly used as a part of such article, but does not prevail over a specific provision for such part.

11. *Issuance of rules and regulations*—The Secretary of the Treasury is hereby authorized to issue rules and regulations governing the admission of articles under the provisions of the schedules. The allowance of an importer's claim for classification, under any of the provisions of the schedules which provide for total or partial relief from duty or other import restrictions on the basis of facts which are not determinable from an examination of the article itself in its condition as imported, is dependent upon his complying with any rules or regulations which may be issued pursuant to this headnote.

12. The Secretary of the Treasury is authorized to prescribe methods of analyzing, testing, sampling, weighing, gauging, measuring, or other methods of ascertainment whenever he finds that such methods are necessary to determine the physical, chemical, or other properties or characteristics of articles for purposes of any law administered by the Customs Service.

REFERENCES IN TEXT

Section 401 of the Tariff Classification Act of 1962, referred to in par. 3(e), is set out as a note under section 1351 of this title.

Section 231 of the Trade Expansion Act of 1962, referred to in par. 3(e), was classified to section 1861 of this title, and was repealed by Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section 257(e)(2) of the Trade Expansion Act of 1962, referred to in par. 3(e), is set out as a note under section 1362 of this title.

Section 501(a) of the Tariff Classification Act of 1962 (P.L. 87-456, approved May 24, 1962), and section 102 of the said Act, referred to in par. 3(g), are set out in a note preceding section 1202 of this title.

Sections 402 and 402a of the tariff act, referred to in par. 6(b)(1), probably are references to sections 402 and 402a of the Tariff Act of 1930, which are classified to sections 1401a and 1402 of this title.

CODIFICATION

Paragraph (a)(i) of general headnote 3 was amended by Pub. L. 89-805 and Pub. L. 89-806. Since the amendments are not inconsistent they have been merged in the text of paragraph (a)(i) as this would appear to be the intent of the Congress.

AMENDMENTS

General headnote 3(a), subpar. (i), amended by Pub. L. 94-88, title I, §§ 1, 2, Aug. 9, 1975, 89 Stat. 433, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 9, 1975.

General headnote 3(a), subpar. (i), amended by Pub. L. 89-806, § 2(b), (c), Nov. 10, 1966, 80 Stat. 1523, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 120th day after Nov. 10, 1966.

General headnote 3(a), subpar. (i), amended by Pub. L. 89-805, § 1(a), (c), Nov. 10, 1966, 80 Stat. 1521, 1522, to apply only with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1967.

General headnote 3(a), subpar. (iii), added by Pub. L. 93-618, title V, § 502(d), Jan. 3, 1975, 88 Stat. 2068.

General headnote 3(c), added by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, which deleted former headnote 3(c).

General headnote 3(c)(i), amended by Ex. Ord. No. 11934, Aug. 30, 1976, 41 F.R. 171.

General headnote 3(c)(iii), amended by Ex. Ord. No. 11906, Feb. 26, 1976, 41 F.R. 8758; Ex. Ord. No. 11934, Aug. 30, 1976, 41 F.R. 171, and Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A.

General headnote 3(d), added and pars. (e) to (g), formerly (d) to (f), so redesignated by Pub. L. 89-283, title IV, §§ 401(a), 403, Oct. 21, 1965, 79 Stat. 1021, 1022, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title. Entered into force on Oct. 22, 1965, by Proc. No. 3682, Oct. 21, 1965, 30 F.R. 13683.

General headnote 3(e), amended by Proc. No. 4369, Apr. 24, 1975, 40 F.R. 18389, to delete "Rumania" effective Apr. 24, 1975.

General headnote 6(b), subpar. (i), first sentence amended by Pub. L. 89-241, §§ 2(a), 4, Oct. 7, 1965, 79 Stat. 933, 934, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1321, 1337, 2135, 2253, 2431 to 2434, 2437, 2439, 2463, 2481, 2483 of this title; title 15 section 2066; title 28 section 2602; title 50 section 98h-1.

SCHEDULE 1—ANIMAL AND VEGETABLE PRODUCTS [28 F.R. 8629]

Part 1—Live Animals.
Part 2—Meats.
  A. Bird Meat.
  B. Meats Other Than Bird Meat.
Part 3—Fish and Shellfish.
  A. Fish, Fresh, Chilled, or Frozen.
  B. Fish, Dried, Salted, Pickled, Smoked, or Kippered.
  C. Fish in Airtight Containers.
  D. Other Fish Products.
  E. Shellfish.
Part 4—Dairy Products; Birds' Eggs.
  A. Milk and Cream.
  B. Butter, Oleomargarine, and Butter Substitutes.
  C. Cheeses.
  D. Other Milk Products.
  E. Poultry and Other Birds' Eggs.
Part 5—Hides, Skins, and Leather; Furskins.
  A. Hides, Skins, and Leather.
  B. Furskins.
Part 6—Live Plants; Seeds.
  A. Live Plants.
  B. Seeds.
Part 7—Cereal Grains, Milled Grain Products, and Malts and Starches.
  A. Grains.
  B. Milled Grain Products.
  C. Malts and Starches.
Part 8—Vegetables.
  A. Vegetables, Fresh, Chilled, or Frozen.
  B. Vegetables, Dried, Desiccated, or Dehydrated.
  C. Vegetables, Packed in Salt, in Brine, Pickled, or Otherwise Prepared or Preserved.
  D. Mushrooms and Truffles.
Part 9—Edible Nuts and Fruits.
  A. Edible Nuts.
  B. Edible Fruits.
  C. Fruit Flours, Peels, Pastes, Pulps, Jellies, Jams, Marmalades, and Butters.
  D. Glacé Nuts, Fruits, and Other Vegetable Substances.
Part 10—Sugar; Cocoa; Confectionery.
  A. Sugars, Sirups, and Molasses.
  B. Cocoa.
  C. Confectionery.
Part 11—Coffee, Tea, Maté, and Spices.
  A. Coffee and Coffee Substitutes, Tea, Maté.
  B. Spices and Spice Seeds.
Part 12—Beverages.
  A. Fruit Juices.
  B. Nonalcoholic Beverages.
  C. Fermented Alcoholic Beverages.
  D. Spirits, Spirituous Beverages and Beverage Preparations.
Part 13—Tobacco and Tobacco Products.
Part 14—Animal and Vegetable Oils, Fats, and Greases.
  A. Oilbearing Vegetable Materials.
  B. Vegetable Oils, Crude or Refined.
  C. Animal Oils, Fats, and Greases, Crude or Refined.
  D. Hardened Oils, Fats, and Greases; Mixtures.
Part 15—Other Animal and Vegetable Products.
  A. Products of American Fisheries.
  B. Edible Preparations.
  C. Animal Feeds.
  D. Feathers, Downs, Bristles, and Hair.
  E. Shellac and Other Lacs; Natural Gums, Gum Resins, Resins, and Balsams; Turpentine and Rosin.
  F. Miscellaneous Animal Products.
  G. Miscellaneous Vegetable Products.

PART 1—LIVE ANIMALS

[28 F.R. 8631]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 1 headnotes: 1. This part covers all live animals, vertebrate and invertebrate, except fish and shellfish (see parts 3 and 15 of this schedule) and microbial cultures (see part 3 of schedule 4), but including whales and other sea mammals.		

PART 1—LIVE ANIMALS—Continued

[28 F.R. 8631]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 1 headnotes—Continued		
		2. Unless the context requires otherwise, each provision for named or described animals applies to such animals regardless of their size or age, e.g., "sheep" includes lambs.		
		3. Certain special provisions applying to live animals are in schedule 8.		
	100.01	Animals (except black, silver, or platinum foxes, and any fox which is a mutation, or type developed, therefrom), certified to the collector of customs by the Department of Agriculture as being pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed, imported by a citizen or agency of the United States specially for breeding purposes, whether intended to be used by the importer himself or for sale for such purposes.	Free	Free.
		Animals, domesticated, straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring:		
	100.03	If brought back to the United States within 8 months	Free	Free.
	100.04	Other	Subject to rates set forth in this part.	Subject to rates set forth in this part.
	100.05	Animals, game, imported to be liberated in the United States for stocking purposes.	Free	Free.
		Live birds:		
		Chickens, ducks, geese, guineas, and turkeys:		
	100.07	In the downy stage with quills not discernible	2¢ each	4¢ each.
	100.09	Other	2¢ per lb	8¢ per lb.
	100.15	Pigeons, fancy or racing	Free	Free.
	100.20	Quail, bobwhite	15¢ each	50¢ each.
		Other live birds:		
A	100.25	Valued not over $5 each	8¢ each	50¢ each.
		Valued over $5 each:		
	100.30	Canaries	5% ad val	20% ad val.
A	100.31	Other	4% ad val	20% ad val.
		Live animals other than birds:		
	100.35	Asses and burros	15% ad val	15% ad val.
		Cattle:		
		Weighing under 200 pounds each:		
	100.40	For not over 200,000 head entered in the 12-month period beginning April 1 in any year.	1.5¢ per lb	2.5¢ per lb.
	100.43	Other	2.5¢ per lb	2.5¢ per lb.
	100.45	Weighing 200 pounds or more but under 700 pounds each.	2.5¢ per lb.	2.5¢ per lb.
		Weighing 700 pounds or more each:		
	100.50	Cows imported specially for dairy purposes	0.7¢ per lb	3¢ per lb.
		Other:		
	100.53	For not over 400,000 head entered in the 12-month period beginning April 1 in any year, of which not over 120,000 shall be entered in any quarter beginning April 1, July 1, October 1, or January 1.	1.5¢ per lb	3¢ per lb.
	100.55	Other	2.5¢ per lb	3¢ per lb.
		Foxes:		
	100.60	Silver or black	7.5% ad val	15% ad val.
	100.63	Other	7.5% ad val	15% ad val.
	100.65	Goats	$1.50 per head	$3 per head.
		Horses and mules:		
	100.70	Imported for immediate slaughter	Free	Free.
		Other:		
		Horses:		
A	100.73	Valued not over $150 per head	$2.75 per head	$30 per head.
	100.75	Valued over $150 per head	3% ad val	20% ad val.
		Mules:		
	100.77	Valued not over $150 per head	$15 per head	$30 per head.
	100.79	Valued over $150 per head	10% ad val	20% ad val.
	100.81	Sheep	Free	$3 per head.
	100.85	Swine	0.5¢ per lb	2¢ per lb.
	100.90	Turtles	Free	Free.
A	100.95	Other	3.5% ad val	15% ad val.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 100.20, 100.25, 100.30, 100.31, 100.50, 100.60, 100.65, 100.73, 100.75, 100.77, 100.79, 100.81, 100.85, 101.95, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 2—MEATS

[28 F.R. 8633]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 2 headnotes:		
		1. This part covers only meats, including meat offal, fit for human consumption. The meats of all animals, including whales and other sea mammals but not fish and shellfish (see parts 3 and 15 of this schedule), are covered, and unless the context requires otherwise reference to an animal includes such animal regardless of size or age.		
		2. In assessing the duty on meats, no allowance shall be made for normal components thereof such as bones, fat, and hide or skin. The dutiable weight of meats in airtight containers subject to specific rates includes the entire contents of the containers.		
		Subpart A—Bird Meat		
		Birds (dead), fresh, chilled, or frozen, if whole, or if plucked, beheaded, eviscerated, or cut into pieces (including edible offal), but not otherwise prepared or preserved:		
		Birds, whole, or which have been plucked only:		
	105.10	Chickens, ducks, geese, and guineas	3¢ per lb	10¢ per lb.
	105.20	Turkeys	8.5¢ per lb	10¢ per lb.
A	105.30	Other	2.5¢ per lb	10¢ per lb.
		Birds which have been plucked, beheaded, and eviscerated (including birds with any edible offal retained in or returned to the abdominal cavity), whether or not the feet have been removed, but not cut into pieces:		
	105.40	Chickens	5¢ per lb	10¢ per lb.
		Turkeys:		
	105.50	Valued under 40 cents per pound	5¢ per lb	10¢ per lb.
	105.55	Valued 40 or more cents per pound	12.5% ad val	25% ad val.
A	105.60	Other	5¢ per lb	10¢ per lb.
	105.70	Other	10¢ per lb	10¢ per lb.
		Birds otherwise prepared or preserved:		
	105.82	Goose-liver products	3.5¢ per lb	10¢ per lb.
A	105.84	Other	5¢ per lb	10¢ per lb.
		Subpart B—Meats Other Than Bird Meat		
		Subpart B headnote:		
		1. For the purposes of this subpart—		
		(a) The term "fresh, chilled, or frozen" covers meats even though completely detendonized and deboned, but does not cover meats which have been prepared or preserved; and		
		(b) the term "prepared or preserved" covers meats even if in a fresh, chilled, or frozen state if such meats have been ground or comminuted, diced or cut into sizes for stew meat or similar uses, rolled and skewered, or specially processed into fancy cuts, special shapes, or otherwise made ready for particular uses by the retail consumer; and also covers meats which have been subjected to processes such as drying, curing, smoking, cooking, seasoning, flavoring, or to any combination of such processes.		
		Meats (except meat offal), fresh, chilled, or frozen, of all animals (except birds):		
	106.10	Cattle	3¢ per lb	6¢ per lb.
	106.20	Goats and sheep (except lambs)	2.5¢ per lb	5¢ per lb.
	106.30	Lambs	1.7¢ per lb	7¢ per lb.
A	106.40	Swine	0.5¢ per lb	2.5¢ per lb.
		Game animals:		
	106.50	Deer (except reindeer)	Free	6¢ per lb.
	106.55	Other	2.5¢ per lb	6¢ per lb.
A*	106.60	Frogs	2.5% ad val	10% ad val.
	106.65	Horses (except meat packed in immediate containers weighing with their contents less than 10 pounds each).	Free	Free.
		Other:		
A	106.70	Valued not over 30 cents per pound	3¢ per lb	6¢ per lb.
A	106.75	Valued over 30 cents per pound	10% ad val	20% ad val.
		Edible meat offal, fresh, chilled, or frozen, of all animals (except birds):		
A	106.80	Valued not over 20 cents per pound	0.5¢ per lb	6¢ per lb.
A	106.85	Valued over 20 cents per pound	2.5% ad val	30% ad val.
		Sausages, whether or not in airtight containers:		
		Pork:		
A	107.10	Fresh	1.6¢ per lb	3.25¢ per lb.
A	107.15	Other	1.625¢ per lb	3.25¢ per lb.
A*	107.20	Beef, in airtight containers	7.5% ad val	30% ad val.
A	107.25	Other	5% ad val	20% ad val.
		Pork, prepared or preserved (except sausages):		
	107.30	Not boned and cooked and packed in airtight containers	2¢ per lb	3.25¢ per lb.
	107.35	Boned and cooked and packed in airtight containers	3¢ per lb	3¢ per lb.

See footnotes at end of table.

PART 2—MEATS—Continued

[28 F.R. 8633]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Meats Other Than Bird Meat—Continued		
		Beef and veal, prepared or preserved (except sausages):		
		Beef or veal, cured or pickled:		
A	107.40	Valued not over 30 cents per pound	3¢ per lb	4.5¢ per lb.
A*	107.45	Valued over 30 cents per pound	10% ad val	30% ad val.
		Beef in airtight containers:		
A*	107.48	Corned beef	7.5% ad val	30% ad val.
	107.52	Other	7.5% ad val	30% ad val.
		Other		
	107.55	Valued not over 30 cents per pound	3¢ per lb	6¢ per lb.
	107.60	Valued over 30 cents per pound	10% ad val	20% ad val.
		Other meats and edible meat offal, prepared or preserved:		
A	107.65	Frog meat	6% ad val	20% ad val.
		Other:		
A*	107.70	Valued not over 30 cents per pound	1.5¢ per lb	6¢ per lb.
A	107.75	Valued over 30 cents per pound	5% ad val	20% ad val.
A	107.80	Extract of meat, including fluid	1¢ per lb	15¢ per lb.

See footnotes at end of table.

AMENDMENTS

Items 107.48 and 107.52 added and item 107.50 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 105.60, 105.82, 105.84, 106.30, 106.40, 106.50, 106.60, 106.80, 106.85, 107.10, 107.20, 107.25, 107.50, 107.65, 107.70, 107.75 and 107.80, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

LIMITATION ON MEAT IMPORTS

Pub. L. 88-482, § 2, Aug. 22, 1964, 78 Stat. 594, provided that:

"(a) It is the policy of the Congress that the aggregate quantity of the articles specified in items 106.10 (relating to fresh, chilled, or frozen cattle meat) and 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States which may be imported into the United States in any calendar year beginning after December 31, 1964, should not exceed 725,400,000 pounds; except that this quantity shall be increased or decreased for any calendar year by the same percentage that estimated average annual domestic commercial production of these articles in that calendar year and the two preceding calendar years increases or decreases in comparison with the average annual domestic commercial production of these articles during the years 1959 through 1963, inclusive.

"(b) The Secretary of Agriculture, for each calendar year after 1964, shall estimate and publish—

"(1) before the beginning of such calendar year, the aggregate quantity prescribed for such calendar year by subsection (a), and

"(2) before the first day of each calendar quarter in such calendar year, the aggregate quantity of the articles described in subsection (a) which (but for this section) would be imported in such calendar year.

In applying paragraph (2) for the second or any succeeding calendar quarter in any calendar year, actual imports for the preceding calendar quarter or quarters in such calendar year shall be taken into account to the extent data is available.

"(c)(1) If the aggregate quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b)(2) equals or exceeds 110 percent of the aggregate quantity estimated by him pursuant to subsection (b)(1), and if there is no limitation in effect under this section with respect to such calendar year, the President shall by proclamation limit the total quantity of the articles described in subsection (a) which may be entered, or withdrawn from warehouse, for consumption, during such calendar year, to the aggregate quantity estimated for such calendar year by the Secretary of Agriculture pursuant to subsection (b)(1).

"(2) If the aggregate quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b)(2) does not equal or exceed 110 percent of the aggregate quantity estimated by him pursuant to subsection (b)(1), and if a limitation is in effect under this section with respect to such calendar year, such limitation shall cease to apply as of the first day of such calendar quarter; except that any limitation which has been in effect for the third calendar quarter of any calendar year shall continue in effect for the fourth calendar quarter of such year unless the proclamation is suspended or the total quantity is increased pursuant to subsection (d).

"(3) The Secretary of Agriculture shall allocate the total quantity proclaimed under paragraph (1), and any increase in such quantity pursuant to subsection (d), among supplying countries on the basis of the shares such countries supplied to the United States market during a representative period of the articles described in subsection (a), except that due account may be given to special factors which have affected or may affect the trade in such articles. The Secretary of Agriculture shall certify such allocations to the Secretary of the Treasury.

"(d) The President may suspend any proclamation made under subsection (c), or increase the total quantity proclaimed under such subsection, if he determines and proclaims that—

"(1) such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the nation of the economic well-being of the domestic livestock industry;

"(2) the supply of articles of the kind described in subsection (a) will be inadequate to meet domestic demand at reasonable prices; or

"(3) trade agreements entered into after the date of the enactment of this Act [Aug. 22, 1964] ensure that the policy set forth in subsection (a) will be carried out.

Any such suspension shall be for such period, and any such increase shall be in such amount, as the President determines and proclaims to be necessary to carry out the purposes of this subsection.

"(e) The Secretary of Agriculture shall issue such regulations as he determines to be necessary to prevent circumvention of the purposes of this section.

"(f) All determinations by the President and the Secretary of Agriculture under this section shall be final."

PROC. NO. 4469. QUANTITATIVE LIMITATION ON IMPORTATION OF CERTAIN MEATS

Proc. No. 4469, Oct. 9, 1976, 41 F.R. 44995, provided:

Section 2(a) of the Act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 Note) (hereinafter referred to as the Act) [set out as a note under this section], declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the tariff schedules of the United States (hereinafter referred to as meat) which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereinafter referred to as adjusted base quantity).

Section 2(b) of the Act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which in the absence of the limitations under the Act would be imported during such calendar year (hereinafter referred to as potential aggregate imports).

The Secretary of Agriculture, pursuant to Section 2 (a) and (b) of the Act estimated on December 31, 1975 (41 F.R. 1095) the adjusted base quantity of meat for the calendar year 1976 to be 1,120.9 million pounds and has estimated (in the 1976 fourth quarterly estimate) the potential aggregate imports of meat for 1976 to be 1,250 million pounds.

The potential aggregate imports of meat for the calendar year 1976, as estimated by the Secretary of Agriculture, exceeds 110 percent of the adjusted base quantity of meat for the calendar year 1976 estimated by the Secretary of Agriculture and no limitation under the Act is in effect with respect to the calendar year 1976.

Section 2(c)(1) of the Act requires the President in such circumstances to limit by proclamation the total quantity of meat which may be entered, or withdrawn from warehouse, for consumption, during the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to Section 2(b)(1) of the Act, which is 1,120.9 million pounds.

Section 2(d) of the Act provides that the President may increase the total quantity proclaimed pursuant to Section 2(c) of the Act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the nation of the economic well-being of the domestic livestock industry.

Section 2(d) of the Act further provides that such increase shall be in such amount as the President determines and proclaims to be necessary to carry out the purposes of Section 2(d).

Now, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me as President and pursuant to Section 2 of the Act, do hereby proclaim as follows:

1. In conformity with and as required by Section 2(c) of the Act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of Part 2B, schedule 1 of the tariff schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1976 is limited to 1,120.9 million pounds.

2. Pursuant to Section 2(d) of the Act, it is hereby determined that an increase in the quota quantity proclaimed in Paragraph 1, is required by overriding economic interests of the United States, giving special weight to the importance to the nation of the economic well-being of the domestic livestock industry, and that an increase of 112.1 million pounds in such quota quantity is necessary to carry out the purposes of such subsection.

3. Pursuant to Section 2(d) of the Act, the quota quantity proclaimed in Paragraph 1, is increased by 112.1 million pounds and the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of Part 2B, schedule 1 of the tariff schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1976 is limited to 1,233 million pounds.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

GERALD R. FORD.

Annual quota limitations for prior years were established by Proc. No. 4114, Mar. 9, 1972, 37 F.R. 5113; Proc. No. 4183, Jan. 29, 1973, 38 F.R. 2951, and Proc. No. 4272, Feb. 26, 1974, 39 F.R. 7777.

PART 3—FISH AND SHELLFISH

[28 F.R. 8635]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 3 headnotes: 1. The term "fish", as used in this part, does not include shellfish, or whales or other mammals. This part covers only fish and shellfish, live or dead, fit for human consumption. 2. In subparts A and B of this part, the term "whether or not whole" means if whole, or if processed by removal of heads, fins, viscera, scales, skins, or bones, or by filleting, division into pieces, or other cutting or slicing operations, but not minced or ground. 3. In subparts C and D of this part, the term "in oil" means packed in added oil or fat, or in added oil or fat and other substances, whether such oil or fat was introduced at the time of packing or prior thereto. 4. Live fish and shellfish imported to be used for purposes other than human consumption are covered by item 190.45 (see part 15F of schedule 1) and certain other fish and shellfish products are covered by parts 14 and 15 of schedule 1.		

PART 3—FISH AND SHELLFISH—Continued

[28 F.R. 8635]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Fish, Fresh, Chilled, or Frozen		
		Subpart A headnote:		
		1. In item 110.50 of this subpart, "apparent consumption" shall be the sum of (a) the production in the United States of fresh and frozen fillets, steaks, and sticks of the named fish as defined on October 30, 1947, and as reported, by the United States Fish and Wildlife Service, (b) the quantity of such fillets, steaks, and sticks entered into the United States free of duty under the provisions for "products of American fisheries" in part 15 of schedule 1, and (c) the quantity of the named fish entered into the United States and provided for in items 110.50 or 110.55.		
		Fish, fresh, chilled, or frozen, whether or not whole, but not otherwise prepared or preserved:		
	110.10	Sea herring, smelts, and tuna	Free	Free.
		Other:		
		Whole; or processed by removal of heads, viscera, fins, or any combination thereof, but not otherwise processed:		
	110.15	Cod, cusk, eels, haddock, hake, pollock, shad, sturgeon, and fresh-water fish.	Free	1¢ per lb.
	110.20	Halibut and salmon	Free	2¢ per lb.
		Mackerel:		
	110.25	Fresh or chilled	Free	2¢ per lb.
A	110.28	Frozen	0.35¢ per lb	2¢ per lb.
		Swordfish:		
	110.30	Fresh or chilled	Free	2¢ per lb.
	110.33	Frozen	Free	3¢ per lb.
A	110.35	Other	0.5¢ per lb	1¢ per lb.
	110.36	If products of Cuba (except Atlantic ocean perch (rosefish) and totoaba or white sea bass).	0.4¢ per lb. (s)	
		Scaled (whether or not heads, viscera, fins, or any combination thereof have been removed), but not otherwise processed:		
	110.40	In bulk or in immediate containers weighing with their contents over 15 pounds each.	Free	1.25¢ per lb.
A	110.45	Other	6% ad val	25% ad val.
	110.47	Skinned and boned, whether or not divided into pieces, and frozen into blocks each weighing over 10 pounds, imported to be minced, ground, or cut into pieces of uniform weights and dimensions.	Free	1.25¢ per lb.
		Otherwise processed (whether or not heads, viscera, fins, scales, or any combination thereof have been removed):		
		Cod, cusk, haddock, hake, pollock, and Atlantic ocean perch (rosefish):		
	110.50	For an aggregate quantity entered in any calendar year of 15,000,000 pounds, or not more than a quantity equal to 15% of the average aggregate apparent annual consumption of such fish during the 3 calendar years immediately preceding the year in which the imported fish are entered, whichever quantity is greater, of which total quantity not over ¼ shall be entered during the first 3 months, not over ½ during the first 6 months, and not over ¾ during the first 9 months of that year.	1.875¢ per lb	2.5¢ per lb.
	110.55	Other	2.5¢ per lb	2.5¢ per lb.
	110.57	Wolf fish (sea catfish)	Free	2.5¢ per lb.
	110.65	Yellow perch	1.5¢ per lb	2.5¢ per lb.
	110.70	Other	Free	2.5¢ per lb.
		Subpart B—Fish, Dried, Salted, Pickled, Smoked, or Kippered		
		Subpart B headnote:		
		1. In this subpart, the term "dried" means dried (but not salted, pickled, smoked, or kippered), the term "salted or pickled" means salted or pickled (whether or not dried, but not smoked or kippered), and the term "smoked or kippered" means smoked or kippered (whether or not dried, salted, or pickled).		
		Fish, dried, whether or not whole, but not otherwise prepared or preserved, and not in airtight containers:		
A	111.10	Cod, cusk, haddock, hake, and pollock	0.1¢ per lb	2.5¢ per lb.
A	111.15	Shark fins	0.2¢ per lb	1.25¢ per lb.
A	111.18	Other	0.1¢ per lb	1.25¢ per lb.

PART 3—FISH AND SHELLFISH—Continued

[28 F.R. 8635]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Fish, Dried, Salted, Pickled, Smoked, or Kippered—Continued		
		Fish, salted or pickled, whether or not whole, but not otherwise prepared or preserved, and not in airtight containers:		
		Cod, cusk, haddock, hake, and pollock:		
	111.22	Whole; or processed by removal of heads, fins, viscera, scales, vertebral columns, or any combination thereof, but not otherwise processed.	Free	1.25¢ per lb.
	111.28	Otherwise processed (whether or not heads, fins, viscera, scales, vertebral columns, or any combination thereof have been removed).	Free	2¢ per lb.
		Herring:		
	111.32	In bulk or in immediate containers weighing with their contents over 15 pounds each.	Free	1¢ per lb.
	111.37	Other	6% ad val	25% ad val.
		Mackerel:		
	111.40	In bulk or in immediate containers weighing with their contents over 15 pounds each.	Free	1¢ per lb.
	111.44	Other	5% ad val	25% ad val.
	111.48	Salmon	4% ad val	25% ad val.
		Other:		
		In bulk or in immediate containers weighing with their contents over 15 pounds each		
	111.52	Alewives	0.2¢ per lb	1.25¢ per lb.
A	111.56	Other	0.6¢ per lb	1.25¢ per lb.
A	111.60	In immediate containers weighing with their contents not over 15 pounds each.	12.5% ad val	25% ad val.
		Fish, smoked or kippered, whether or not whole, but not otherwise prepared or preserved, and not in airtight containers:		
		Cod, cusk, haddock, hake, and pollock:		
	111.64	Whole; or processed by removal of heads, viscera, vertebral columns, or any combination thereof, but not otherwise processed.	Free	2.5¢ per lb.
	111.68	Otherwise processed (whether or not heads, viscera, vertebral columns, or any combination thereof have been removed).	Free	3¢ per lb.
		Herring:		
		Whole or beheaded, but not otherwise processed:		
	111.72	Hard smoked	Free	1.25¢ per lb.
	111.76	Other	0.3¢ per lb	1.25¢ per lb.
	111.80	Otherwise processed (whether or not beheaded)	Free	3¢ per lb.
	111.84	Mackerel	3% ad val	25% ad val.
	111.88	Salmon	5% ad val	25% ad val.
A*	111.92	Other	3% ad val	25% ad val.
		Subpart C—Fish in Airtight Containers		
		Fish, prepared or preserved in any manner, not in oil, in airtight containers:		
		Anchovies:		
	112.01	In containers weighing with their contents not over 15 pounds each.	12.5% ad val	25% ad val.
A	112.03	Other	1¢ per lb	1.25¢ per lb.
	112.05	Bonito and yellowtail	6% ad val	25% ad val.
		Herring:		
		In containers weighing with their contents not over 15 pounds each:		
	112.08	In tomato sauce, smoked, or kippered, and in immediate containers weighing with their contents over 1 pound each.	4% ad val	25% ad val.
	112.10	Other	Free	25% ad val.
	112.12	Other	0.5¢ per lb	1.25¢ per lb.
	112.14	Pollock	6% ad val	25% ad val.
	112.18	Salmon	7.5% ad val	25% ad val.
		Sardines:		
		In containers weighing with their contents not over 15 pounds each:		
	112.20	In immediate containers weighing with their contents under 8 ounces each.	5% ad val	25% ad val.
	112.22	Other	6.25% ad val	25% ad val.
	112.24	Other	0.5¢ per lb	1.25¢ per lb.
		Tuna:		
	112.30	In containers weighing with their contents not over 15 pounds each, for an aggregate quantity entered in any calendar year not to exceed 20% of the United States pack of canned tuna during the immediately preceding calendar year, as reported by the United States Fish and Wildlife Service.	6% ad val	25% ad val.
	112.34	Other	12.5% ad val	25% ad val.
A	112.36	Other	6% ad val	25% ad val.
		Fish, prepared or preserved in any manner, in oil, in airtight containers:		
A	112.40	Anchovies	6% ad val	30% ad val.
	112.42	Bonito and yellowtail	7.5% ad val	30% ad val.
	112.46	Herring	12.5% ad val	30% ad val.

PART 3—FISH AND SHELLFISH—Continued

[28 F.R. 8635]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Fish in Airtight Containers—Continued		
		Fish, prepared or preserved in any manner, in oil, in airtight containers—Continued		
		Pollock:		
	112.48	Smoked	7.5% ad val	30% ad val.
	112.50	Not smoked	12.5% ad val	30% ad val.
	112.52	Salmon	12.5% ad val	30% ad val.
		Sardines:		
	112.54	Valued not over 18 cents per pound (including weight of immediate container).	30% ad val	30% ad val.
		Valued over 18 but not over 23 cents per pound (including weight of immediate container):		
		Neither skinned nor boned:		
	112.58	Smoked	11.5% ad val	30% ad val.
	112.62	Not smoked	20% ad val	30% ad val.
	112.66	Skinned or boned	22% ad val	30% ad val.
		Valued over 23 but not over 30 cents per pound (including weight of immediate container):		
		Neither skinned nor boned:		
	112.71	Smoked	11.5% ad val	30% ad val.
	112.73	Not smoked	15% ad val	30% ad val.
	112.74	Skinned or boned	30% ad val	30% ad val.
		Valued over 30 cents per pound (including weight of immediate container):		
		Neither skinned nor boned:		
		Smoked:		
	112.79	Valued 45 cents or more per pound in tin-plate containers or 50 cents or more per pound in other containers.	6% ad val	30% ad val.
	112.80	Other	11.5% ad val	30% ad val.
	112.82	Not smoked	15% ad val	30% ad val.
	112.86	Skinned or boned	24% ad val	30% ad val.
	112.90	Tuna	35% ad val	45% ad val.
A	112.94	Other	12.5% ad val	30% ad val.
		Subpart D—Other Fish Products		
		Fish balls, cakes, puddings, pastes, and sauces (including any of such articles in airtight containers):		
A	113.01	Pastes and sauces	4% ad val	30% ad val.
		Balls, cakes, and puddings:		
	113.05	In oil	12.5% ad val	30% ad val.
		Not in oil:		
		In immediate containers weighing with their contents not over 15 pounds each:		
	113.08	In airtight containers	Free	25% ad val.
	113.11	Other	6% ad val	25% ad val.
	113.15	Other	0.5¢ per lb	1.25¢ per lb.
		Fish sticks and similar products of any size or shape, fillets, or other portions of fish, if breaded, coated with batter, or similarly prepared, whether or not described or provided for elsewhere in this part:		
	113.20	Neither cooked nor in oil	10% ad val	20% ad val.
	113.25	Other	15% ad val	30% ad val.
		Fish roe, fresh, chilled, frozen, prepared, or preserved:		
A	113.30	Sturgeon roe	15% ad val	30% ad val.
		Other fish roe:		
	113.35	Boiled and in airtight containers	2.5% ad val	30% ad val.
A	113.40	Other	2¢ per lb	20¢ per lb.
		Fish, prepared or preserved, not specially provided for:		
A	113.50	In oil	12.5% ad val	30% ad val.
		Not in oil:		
		In bulk or in immediate containers weighing with their contents over 15 pounds each:		
	113.56	Tuna	0.5¢ per lb	1.25¢ per lb.
	113.58	Other	Free	1.25% per lb.
A	113.60	Other	6% ad val	25% ad val.
		Subpart E—Shellfish		
		Subpart E headnote:		
		1. Subject to the provisions of section 336(f) of this Act, the merchandise provided for in item 114.05 shall be subject to duty upon the basis of the American selling price or like or similar articles produced in the United States.		
		Shellfish, fresh, chilled, frozen, prepared, or preserved (including pastes and sauces):		
		Clams:		
		In airtight containers:		
	114.01	Razor clams (*Siliqua patula*)	3.5% ad val	23% ad val.
A	114.05	Other	14% ad val	35% ad val.
	114.10	Other	Free	Free.

PART 3—FISH AND SHELLFISH—Continued

[28 F.R. 8635]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Shellfish—Continued		
		Shellfish, fresh, etc.—Continued		
		Crabs:		
		Crabmeat:		
	114.15	Fresh, chilled, or frozen	7.5% ad val	15% ad val.
		Prepared or preserved (including pastes and sauces):		
	114.20	In airtight containers	11% ad val	22.5% ad val.
A	114.25	Other	7.5% ad val	15% ad val.
	114.30	Other	Free	Free.
		Oysters:		
		In airtight containers:		
	114.34	Smoked	2.2¢ per lb. (including wt. of immediate container).	8¢ per lb. (including wt. of immediate container)
	114.36	Other	3¢ per lb. (including wt. of immediate container).	8¢ per lb. (including wt. of immediate container).
	114.40	Other	Free	Free.
	114.45	Other shellfish	Free	Free.
		Shellfish juices in airtight containers:		
	114.50	Clam juice	8.5% ad val	35% ad val.
A	114.55	Oyster juice	3¢ per lb. (including wt. of immediate container).	8¢ per lb., including wt. of immediate container).

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 110.15, 110.20, 110.25, 110.28, 110.30, 110.33, 110.35, 110.40, 110.45, 110.47, 110.57, 110.70, 111.10, 111.15, 111.18, 111.22, 111.28, 111.32, 111.37, 111.40, 111.44, 111.48, 111.52, 111.56, 111.60, 111.64, 111.68, 111.72, 111.76, 111.80, 111.84, 111.88, 111.92, 112.05, 112.08, 112.10, 112.12, 112.14, 112.18, 112.20, 112.24, 112.30, 112.34, 112.36, 112.40, 112.42, 112.46, 112.48, 112.50, 112.52, 112.58, 112.66, 112.71, 112.79, 112.80, 112.94, 113.01, 113.05, 113.08, 113.11, 113.15, 113.20, 113.25, 113.30, 113.35, 113.40, 113.50, 113.56, 113.58, 113.60, 114.01, 114.05, 114.15, 114.20, 114.25, 114.34, 114.36, 114.50, 114.55, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 4—DAIRY PRODUCTS;[1] BIRDS' EGGS

[28 F.R. 8641]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 4 headnote: 1. The percentages of butterfat specified in this part shall be the percentages of butterfat by weight.		
		Subpart A—Milk and Cream		
		Subpart A headnote: 1. The term "milk and cream", as used in this subpart, includes whole milk, skimmed milk, buttermilk, and cream, except cream described in subpart B of this part.		
		Fluid milk and cream, fresh or sour:		
	115.00	Buttermilk	1.5¢ per gal	2.05¢ per gal.
		Other:		
	115.05	Containing not over 1 percent of butterfat	1.05¢ per gal	2.05¢ per gal.
		Containing over 1 percent but not over 5.5 percent of butterfat:		
	115.10	For not over 3,000,000 gallons entered in any calendar year.	2¢ per gal	6.5¢ per gal.
	115.15	Other	6.5¢ per gal	6.5¢ per gal.
		Containing over 5.5 percent but not over 45 percent of butterfat:		
	115.20	For not over 1,500,000 gallons entered in any calendar year.	15¢ per gal	56.6¢ per gal.
	115.25	Other	56.6¢ per gal	56.6¢ per gal.
		Milk and cream, condensed or evaporated:		
		In airtight containers:		
	115.30	Not sweetened	1¢ per lb	1.8¢ per lb.
	115.35	Sweetened	1.75¢ per lb	2.75¢ per lb.
	115.40	Other	1.5¢ per lb	2.53¢ per lb.
		Dried milk and cream:		
	115.45	Buttermilk containing not over 6 percent of butterfat	1.5¢ per lb	3¢ per lb.
		Other:		
	115.50	Containing not over 3 percent of butterfat	1.5¢ per lb	3¢ per lb.
	115.55	Containing over 3 percent but not over 35 percent of butterfat.	3.1¢ per lb	6.2¢ per lb.
	115.60	Containing over 35 percent of butterfat	6.2¢ per lb	12.4¢ per lb.

See footnotes at end of table.

PART 4—DAIRY PRODUCTS;[1] BIRDS' EGGS—Continued

[28 F.R. 8641]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Butter, Oleomargarine, and Butter Substitutes		
		Butter, and fresh or sour cream containing over 45 percent of butterfat:		
		When entered during the period from November 1, in any year, to the following March 31, inclusive:		
	116.00	For not over 50,000,000 pounds	7¢ per lb	14¢ per lb.
	116.05	Other	14¢ per lb	14¢ per lb.
	116.06	If product of Cuba	11.2¢ per lb. (s)	
		When entered during the period from April 1 to July 15, inclusive, in any year:		
	116.10	For not over 5,000,000 pounds	7¢ per lb	14¢ per lb.
	116.15	Other	14¢ per lb	14¢ per lb.
	116.16	If product of Cuba	11.2¢ per lb. (s)	
		When entered during the period from July 16 to October 31, inclusive, in any year:		
	116.20	For not over 5,000,000 pounds	7¢ per lb	14¢ per lb.
	116.25	Other	14¢ per lb	14¢ per lb.
	116.26	If product of Cuba	11.2¢ per lb. (s)	
	116.30	Oleomargarine and butter substitutes	7¢ per lb	14¢ per lb.
		Subpart C—Cheeses		
		Subpart C headnote:		
		1. No allowance in weight shall be made for inedible, not readily removable, protective coverings of cheese.		
		Blue-mold cheese:		
	117.00	In original loaves	15% ad val	35% ad val.
	117.05	Other	20% ad val	35% ad val.
	117.10	Bryndza cheese	8.5% ad val	35% ad val.
		Cheddar cheese:		
	117.15	Not processed otherwise than by division into pieces	15% ad val	35% ad val.
	117.20	Other	20% ad val	35% ad val.
	117.25	Edam and Gouda cheeses	15% ad val	35% ad val.
		Gjetost cheeses:		
	117.30	Made from goat's milk whey or from whey obtained from a mixture of goat's milk and not more than 20 percent of cow's milk.	6.5% ad val	35% ad val.
	117.35	Other	10% ad val	35% ad val.
	117.40	Goya and Sbrinz cheeses	25% ad val	35% ad val.
		Roquefort cheese:		
	117.45	In original loaves	6% ad val	35% ad val.
	117.50	Other	10% ad val	35% ad val.
	117.55	Romano made from cow's milk, Reggiano, Parmesano, Provoloni, and Provolette cheeses.	20% ad val	35% ad val.
	117.60	Swiss or Emmenthaler cheese with eye formation, Gruyere process cheese, Gammelost, and Nokkelost.	8% ad val	35% ad val.
		Other cheeses, and substitutes for cheese:		
		Cheeses made from sheep's milk:		
A	117.65	In original loaves and suitable for grating	9% ad val	35% ad val.
A	117.67	Pecorino, in original loaves, not suitable for grating.	12% ad val	35% ad val.
	117.70	Other	15% ad val	35% ad val.
		Other:		
	117.75	Valued not over 25 cents per pound	5¢ per lb	8.75¢ per lb.
		Valued over 25 cents per pound:		
	117.81	Colby	20% ad val	35% ad val.
	117.85	Other	10% ad val	35% ad val.
		Subpart D—Other Milk Products		
		Whey:		
	118.00	Fluid	1.5¢ per gal	2.05¢ per gal.
	118.05	Dried	1.5¢ per lb	3¢ per lb.
	118.10	Yoghurt and other fermented milk	20% ad val	20% ad val.
	118.15	Chocolate milk drink	20% ad val	20% ad val.
	118.25	Ice cream	20% ad val	20% ad val.
	118.30	Malted milk; and articles not specially provided for, of milk or cream.	17.5% ad val	35% ad val.
		Subpart E—Poultry and Other Birds' Eggs		
		Subpart E headnote:		
		1. The importation of eggs of wild birds is prohibited, except eggs of game birds imported for propagating purposes under regulations prescribed by the Secretary of the Interior, and specimens imported for scientific collections.		
		Bird eggs, and bird-egg yolks and albumen, fresh, frozen, prepared or preserved (whether or not sugar or other material is added):		
		Eggs in the shell:		
A	119.50	Poultry (except chicken)	3.5¢ per doz	10¢ per doz.
A	119.55	Chicken	3.5¢ per doz	10¢ per doz.
	119.60	Other	Free	Free.
		Whole eggs not in the shell, egg yolks, and egg albumen:		
	119.65	Dried	27¢ per lb	27¢ per lb.
	119.70	Other	5.5¢ per lb	11¢ per lb.

See footnotes at end of table.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 117.10, 117.30, 117.35, 117.45, 117.50, 117.60, 117.67, 117.70, 117.85, 119.50, and 119.70, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 5—HIDES, SKINS, AND LEATHER; FURSKINS

[28 F.R. 8645]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Hides, Skins, and Leather		
		Subpart A headnotes:		
		1. For the purposes of this subpart— (a) the term "leather" covers leathers made from hides and skins of all animals (including birds and fish); and (b) the term "fancy", as applied to leather, means leather which has been embossed, printed, or otherwise decorated in any manner or to any extent (including leather finished in aluminum, gold, silver, or like effects and leather on which the original grain has been accentuated by any process).		
		2. Articles of leather, and leather which has been cut or wholly or partly made into forms or shapes suitable for conversion into footwear or other articles are covered in schedule 7.		
		Hides and skins (except furskins) of all animals (including birds and fish), raw or uncured, or dried, salted, limed, pickled, or otherwise cured:		
		Bovine:		
	120.11	Buffalo	Free	10% ad val.
		Other:		
	120.14	Whole hides or skins weighing over 12 pounds each when dried or dry-salted, or over 25 pounds each when wet or wet-salted.	Free	10% ad val.
A	120.17	Other	2% ad val	10% ad val.
	120.20	Other	Free	Free.
	120.50	Parchment and vellum	Free	Free.
		Leather, in the rough, partly finished, or unfinished:		
		Chamois:		
A	121.10	Oil-tanned	7.5% ad val.*	25% ad val.
A	121.15	Other	5% ad val	25% ad val.
	121.20	Patent	3.5% ad val	15% ad val.
A	121.25	Upholstery leather	6% ad val	20% ad val.
		Other:		
		Calf and kip:		
	121.30	Upper	9% ad val	15% ad val.
A	121.35	Lining	4% ad val	15% ad val.
		Other:		
	121.40	Not fancy	5% ad val	15% ad val.
	121.45	Fancy	9% ad val	30% ad val.
	121.50	Pig and hog	6% ad val	25% ad val.
		Other:		
		Not fancy:		
		Vegetable-tanned goat and sheep, in the rough:		
A*	121.52	Goat	4% ad val	10% ad val.
A	121.54	Sheep	6% ad val	10% ad val.
A*	121.55	Buffalo	5% ad val.	25% ad val.
	121.58	Other	5% ad val.	25% ad val.
		Fancy:		
	121.60	Goat and kid	6% ad val.*	30% ad val.
A	121.65	Other	6% ad val	30% ad val.
		Subpart B—Furskins		
		Subpart B headnotes;		
		1. This subpart covers all furskins, except carroted furskins, but does not cover fur or hair which has been removed from the skin. (Carroted furskins and fur or hair removed from the skin are covered in subpart D of part 15 of schedule 1).		
		2. As used in this subpart— (a) the terms "furskins" or "skins" include the whole skins, or cuttings, heads, paws, tails, or other parts of whole skins, whether or not assembled into plates, mats, linings, strips, crosses, or similar forms, but do not cover such skins or parts of skins assembled in the rough form of garments, of parts or accessories of garments, or of other articles (see part 13B of schedule 7); (b) the term "raw or not dressed" refers to raw, unprocessed skins, or to processed skins which have not been subjected to any processing which preserves them indefinitely in a pliant state; and		

See footnotes at end of table.

PART 5—HIDES, SKINS, AND LEATHER; FURSKINS—Continued

[28 F.R. 8645]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Furskins—Continued		
		Subpart B headnotes—Continued		
		(c) the term "dressed" refers to skins which have been subjected to any processing which preserves them indefinitely in a pliant state, whether or not dyed or otherwise processed and whether or not in condition ready for manufacture into garments or other articles.		
		3. If the wool or hair on any skins which have been released from customs custody under item 123.00 is removed from such skins otherwise than as an unsought residue resulting from the processing of the skins for use as furs, the entire importation shall be subject to duty at the appropriate rate for such wool or hair on the skin under subpart C of part 1 of schedule 3, and for the purposes of this headnote, the clean content of such wool or hair shall be deemed to be 100%.		
		4. The entry, or withdrawal from warehouse, for consumption of ermine, fox, kolinsky, marten, mink, muskrat, and weasel furskins, raw or not dressed, or dressed, which are the product of the Union of Soviet Socialist Republics or of Communist China, is prohibited.		
	123.00	Skins bearing wool or hair of a kind described in subpart C of part 1 of schedule 3, raw or not dressed, if suitable for use as furs without the removal of the wool or hair from the skins (except removal resulting in an unsought residue of wool or hair incidental to processing of the skins for use as furs) and imported to be so used.	Free	Free.
A	123.50	Furskins of the silver, black, or platinum fox (including those of any fox which is a mutation, or type developed, from silver, black, or platinum foxes), whether or not dressed.	18.5% ad val	50% ad val.
		Other furskins, raw or not dressed, or dressed:		
	124.10	Raw or not dressed	Free	Free.
		Dressed:		
		Not dyed:		
A	124.20	Plates, mats, linings, strips, crosses, or similar forms.	8.5% ad val	35% ad val.
		Other:		
A	124.25	Beaver, caracul and Persian lamb, chinchilla, ermine, fisher, fitch, fox, kolinsky, leopard, lynx, marten, mink, nutria, ocelot, otter, pony, raccoon, sable, and wolf.	2.5% ad val	25% ad val.
A	124.30	Rabbit	5% ad val	25% ad val.
A	124.40	Other	5% ad val	25% ad val.
		Dyed:		
A	124.60	Plates, mats, linings, strips, crosses, or similar forms.	10% ad val	40% ad val.
		Other:		
A	124.65	Beaver, caracul and Persian lamb, chinchilla, ermine, fisher, fitch, fox, kolinsky, leopard, lynx, marten, mink, nutria, ocelot, otter, pony, raccoon, sable, and wolf.	4% ad val	30% ad val.
A	124.70	Rabbit	7.5% ad val	30% ad val.
A	124.80	Other	6% ad val	30% ad val.

AMENDMENTS

Items 121.55 and 121.58 added, and item 121.57 deleted by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A, effective with respect to articles both (1) imported on or after Jan. 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after Mar. 1, 1977.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 120.11, 120.14, 120.17, 121.10, 121.15, 121.20, 121.25, 121.30, 121.35, 121.40, 121.45, 121.50, 121.52, 121.54, 121.57, 121.60, 121.65, 123.50, 124.20, 124.25, 124.30, 124.40, 124.60, 124.65, 124.70 and 124.80, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 6—LIVE PLANTS; SEEDS

[28 F.R. 8649]

GSP	Item	Articles	Rates of Duty	
			1	2
		Part 6 headnote.		
		1. This part does not cover all live plants and seed. Cereal grains, certain bulbs and other vegetables (such as potatoes, onions, garlic and beans), and certain seeds (such as spice seeds and oilbearing seeds) are provided for elsewhere in this schedule (see parts 7, 8, 11, 14 and 15). See part 3 of schedule 8 for importations of the Department of Agriculture and the U.S. Botanic Garden.		

PART 6—LIVE PLANTS; SEEDS—Continued

[28 F.R. 8649]

GSP	Item	Articles	Rates of Duty 1	Rates of Duty 2
		Subpart A—Live Plants		
		Bulbs, roots, rootstocks, clumps, corms, tubers, and herbaceous perennials:		
A	125.01	Tulip bulbs	$1.40 per 1,000	$6 per 1,000
	125.05	Hyacinth bulbs	60¢ per 1,000	$4 per 1,000.
A	125.10	Lily bulbs	87¢ per 1,000	$6 per 1,000.
A	125.15	Narcissus bulbs	$2.10 per 1,000	$6 per 1,000.
A	125.20	Crocus corms	30¢ per 1,000	$2 per 1,000.
	125.25	Lily of the valley pips	$2.25 per 1,000	$6 per 1,000.
A	125.30	Other, imported for horticultural purposes	5.5% ad val	30% ad val.
	125.40	Seedlings, layers, and cuttings of apple, cherry, pear, plum, quince, and other fruit-tree stocks.	Free	$2 per 1,000.
A	125.50	Grafted or budded fruit trees, cuttings and seedlings of grape, currant, gooseberry, or other fruit plants (except trees).	5% ad val	25% ad val.
	125.51	Pineapple slips produced in Cuba	Free(s)	
	125.60	Seedlings and cuttings of manetti, multiflora, brier, rugosa, and other rose stock.	15¢ per 1,000	$2 per 1,000.
	125.65	Rose plants, budded, grafted, or grown on their own roots	1¢ each	4¢ each.
	125.67	Seed potato eyes	5% ad val	20% ad val.
A	125.70	Orchid plants	4% ad val	25% ad val.
A	125.80	Live plants suitable for planting, not specially provided for	7.5% ad val	25% ad val.
		Subpart B—Seeds		
		Subpart B headnotes: 1. This subpart covers garden and field seeds whether actually used for seeding or other purposes, but does not cover seeds unfit for seeding purposes within the meaning of the Federal Seed Act (7 U.S.C. 1551-1610). 2. No allowance in weight shall be made for dirt or other impurities in seed of any kind provided for in this subpart.		
		Garden and field seeds:		
	126.01	Alfalfa	1.5¢ per lb	8¢ per lb.
		Beet:		
	126.03	Sugar beet	Free	Free.
	126.05	Other	Free	4¢ per lb.
	126.07	Bent grass (*genus agrostis*)	9¢ per lb	40¢ per lb.
		Bluegrass:		
	126.09	Kentucky	1.25¢ per lb	5¢ per lb.
	126.11	Other	0.6¢ per lb	5¢ per lb.
	126.15	Cabbage	Free	12¢ per lb.
	126.17	Carrot	Free	4¢ per lb.
	126.19	Cauliflower	6¢ per lb	25¢ per lb.
	126.21	Celery	Free	2¢ per lb.
		Clover:		
	126.23	Alsike	1¢ per lb	8¢ per lb.
	126.25	Crimson	Free	2¢ per lb.
	126.27	Red	1¢ per lb	8¢ per lb.
	126.29	Sweet	0.4¢ per lb	4¢ per lb.
	126.31	White and ladino	1.6¢ per lb	6¢ per lb.
	126.33	Other	1¢ per lb	3¢ per lb.
		Fescue:		
	126.35	Creeping red	0.5¢ per lb	2¢ per lb.
	126.37	Meadow	Free	2¢ per lb.
	126.39	Other	Free	2¢ per lb.
A	126.41	Flower	1¢ per lb	6¢ per lb.
	126.51	Kale	Free	6¢ per lb.
	126.53	Kohlrabi	3¢ per lb	8¢ per lb.
	126.55	Mangelwurzel	0.5¢ per lb	4¢ per lb.
	126.57	Millet	0.3¢ per lb	1¢ per lb.
	126.59	Mushroom spawn	1¢ per lb	1¢ per lb.
	126.61	Onion	9¢ per lb	15¢ per lb.
	126.63	Orchard grass	1.2¢ per lb	5¢ per lb.
	126.65	Parsley	0.7¢ per lb	2¢ per lb.
	126.67	Parsnip	1¢ per lb	4¢ per lb.
A	126.71	Pepper	3¢ per lb	15¢ per lb.
	126.73	Radish	Free	6¢ per lb.
	126.77	Rye grass	1¢ per lb	3¢ per lb.
	126.79	Sesbania	2¢ per lb	6¢ per lb.
	126.81	Spinach	0.2¢ per lb	1¢ per lb.
	126.83	Tall oat	2.5¢ per lb	5¢ per lb.
	126.85	Timothy	Free	2¢ per lb.
	126.87	Tree and shrub	Free	8¢ per lb.
	126.89	Turnip and rutabaga	0.7¢ per lb	5¢ per lb.
		Vetch:		
	126.91	Hairy vetch	1.5¢ per lb	3¢ per lb.
	126.93	Other vetch	0.5¢ per lb	1.5¢ per lb.
	126.95	Wheat grass	Free	2¢ per lb.
		Garden and field seeds, not specially provided for:		
	127.01	Grass seeds and other forage crop seeds	Free	2¢ per lb.
A	127.10	Other	1.5¢ per lb	6¢ per lb.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 125.05, 125.10, 125.40, 125.50, 125.60, 125.65, 125.67, 125.70, 125.80, 126.01, 126.05, 126.11, 126.15, 126.17, 126.19, 126.21, 126.23, 126.27, 126.29, 126.31, 126.33, 126.35, 126.37, 126.39, 126.41, 126.51, 126.53, 126.55, 126.61, 126.63, 126.65, 126.67, 126.71, 126.73, 126.77, 126.81, 126.85, 126.87, 126.89, 126.91, 126.93, 126.95 and 127.01, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 7—CEREAL GRAINS, MILLED GRAIN PRODUCTS, AND MALTS AND STARCHES

[28 F.R. 8651]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Grains[1]		
		Subpart A headnote:		
		1. The provisions of this subpart cover the named grains whether or not fit for human consumption.		
	130.10	Barley	7.5¢ per bu. of 48 lbs	20¢ per bu. of 48 lbs.
	130.15	Buckwheat, hulled or not hulled	Free	25¢ per 100 lbs.
A	130.20	Canary seed	0.12¢ per lb	1¢ per lb.
		Corn or maize:		
A	130.30	Seed corn or maize, certified by a responsible officer of a foreign government in accordance with the rules and regulations of that government to have been grown and approved especially for use as seed, in containers marked with the foreign government's official certified seed corn tags.	6¢ per bu. of 56 lbs	25¢ per bu. of 56 lbs.
A*	130.35	Other	25¢ per bu. of 56 lbs	25¢ per bu. of 56 lbs.
	130.36	If products of Cuba	10¢ per bu. of 56 lbs. (s)	
A*	130.40	Grain sorghum	0.4¢ per lb	2¢ per lb.
	130.45	Oats, hulled or not hulled	4¢ per bu. of 32 lbs	16¢ per bu. of 32 lbs.
		Rice:		
	130.50	Paddy or rough	1.25¢ per lb	1.25¢ per lb.
	130.55	Brown (hulls removed, all or in part)	1.5¢ per lb	1.5¢ per lb.
	130.60	Rye	6¢ per bu. of 56 lbs	15¢ per bu. of 56 lbs.
		Wheat:		
		Not fit for human consumption:		
A*	130.63	Seed wheat	5% ad val	10% ad val.
	130.66	Other	5% ad val	10% ad val.
	130.70	Other	21¢ per bu. of 60 lbs	42¢ per bu. of 60 lbs.
		Subpart B—Milled Grain Products [1]		
		Subpart B headnote:		
		1. The term "milled grain products", as used in this subpart, embraces flours, grits, groats, meal, flaked or rolled grains, and other products, all the foregoing, whether or not fit for human consumption, made or derived from the grains named in subpart A of this part by grinding, crushing, breaking, rolling, flaking, pearling, polishing, or similar milling processes, but does not include byproducts or wastes resulting from any of these processes.		
		Milled grain products:		
		Fit for human consumption:		
		Barley:		
	131.10	Pearl barley	0.4¢ per lb	2¢ per lb.
	131.12	Other	2¢ per lb	2¢ per lb.
	131.15	Buckwheat	Free	0.5¢ per lb.
A	131.20	Corn	50¢ per 100 lbs	50¢ per 100 lbs.
	131.21	If product of Cuba	40¢ per 100 lbs.(s)	
		Oats:		
	131.25	Valued not over $8 per 100 lbs	10% ad val	80¢ per 100 lbs.
	131.27	Valued over $8 per 100 lbs.	80¢ per 100 lbs	80¢ per 100 lbs.
		Rice:		
	131.30	Milled rice (bran removed all or in part)	2.5¢ per lb	2.5¢ per lb.
	131.31	If product of Cuba	2¢ per lb. (s)	
	131.33	Broken rice, which will pass readily through a metal sieve perforated with round holes $\frac{11}{128}$ inch in diameter.	0.3125¢ per lb	0.625¢ per lb.
A*	131.35	Meal and flour	0.1¢ per lb	0.625¢ per lb.
	131.37	Patna, cleaned, for use in the manufacture of canned soups.	Free	Free.
	131.38	Rye	22.5¢ per 100 lbs	45¢ per 100 lbs.
	131.40	Wheat	52¢ per 100 lbs	$1.04 per 100 lbs.
	131.45	Other	20% ad val	20% ad val.
	131.46	If products of Cuba	16% ad val. (s)	
		Not fit for human consumption:		
	131.50	Barley	15¢ per 100 lbs	40¢ per 100 lbs.
	131.57	Buckwheat	5¢ per 100 lbs	25¢ per 100 lbs.
	131.60	Corn	45¢ per 100 lbs	45¢ per 100 lbs.
	131.61	If product of Cuba	18¢ per 100 lbs (s)	
	131.65	Oats	12.5¢ per 100 lbs	50¢ per 100 lbs.
	131.67	Rice	31.25¢ per 100 lbs	62.5¢ per 100 lbs.
	131.70	Rye	10.5¢ per 100 lbs	26.8¢ per 100 lbs.
		Wheat:		
	131.72	Flour	2.5% ad val	10% ad val.
	131.75	Other	5% ad val	10% ad val.
A	131.80	Other	10% ad val	20% ad val.

See footnotes at end of table.

PART 7—CEREAL GRAINS, MILLED GRAIN PRODUCTS, AND MALTS AND STARCHES—Continued

[28 F.R. 8651]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Milled Grain Products—Continued		
		Mixtures of two or more of the foregoing products:		
	131.85	Fit for human consumption	20% ad val.	20% ad val.
	131.90	Not fit for human consumption	The highest rate applicable to any component material.	The highest rate applicable to any component material.
		Subpart C—Malts and Starches		
		Malts and malt extract:		
		Malts:		
	132.15	Rye malt	22.5¢ per 100 lbs	40¢ per 100 lbs.
	132.20	Barley and other malts	30¢ per 100 lbs	40¢ per 100 lbs.
		Malt extract:		
	132.25	Fluid	20¢ per gal	$1 per gal.
	132.30	Solid or condensed	15% ad val	60% ad val.
	132.35	Arrowroot, cassava, and sago flours and starches, and tapioca.	Free	Free.
		Other starches:		
A*	132.50	Potato	1¢ per lb	2.5¢ per lb.
	132.55	Other	0.55¢ per lb	1.5¢ per lb.

AMENDMENTS

Items 130.63 and 130.66 added and item 130.65 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 130.15, 130.20, 130.30, 131.15, 131.35, 131.57, 132.25, 132.30 and 132.55, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 8—VEGETABLES

[28 F.R. 8655]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Vegetables, Fresh, Chilled, or Frozen		
		Subpart A headnotes:		
		1. In the assessment of duty on any kind of vegetables, any foreign matter or impurities mixed therewith shall not be segregated nor shall any allowance therefor be made.		
		2. For the purposes of item 137.25 in this part, if for any calendar year the production of white or Irish potatoes, including seed potatoes, in the United States, according to the estimate of the Department of Agriculture made as of September 1, is less than 21,000,000,000 pounds, an additional quantity of potatoes equal to the amount by which such estimated production is less than the said 21,000,000,000 pounds shall be added to the 45,000,000 pounds provided for in the said item 137.25 for the year beginning the following September 15. Potatoes, the product of Cuba, covered by item 137.25 or 137.26 shall not be charged against the quota quantity provided for in item 137.25.		
		Vegetables, fresh, chilled, or frozen (but not reduced in size nor otherwise prepared or preserved).		
		Beans:		
		Lima beans:		
	135.10	If entered during the period from June 1 to October 31, inclusive, in any year.	3.5¢ per lb	3.5¢ per lb.
	135.11	If products of Cuba	2.8¢ per lb. (s)	
	135.12	If entered during November in any year	2.1¢ per lb	3.5¢ per lb.
	135.13	If products of Cuba	1.4¢ per lb. (s)	
	135.14	If entered during the period from December 1 in any year to the following May 31, inclusive.	2.34¢ per lb	3.5¢ per lb.
	135.15	If products of Cuba	1.4¢ per lb. (s)	
	135.16	Other than lima beans	3.5¢ per lb	3.5¢ per lb.
	135.17	If products of Cuba	3.1¢ per lb. (s)	
	135.20	Beets (not including sugar beets)	Free	17% ad val.
A*	135.30	Cabbage	0.55¢ per lb	2¢ per lb.
		Carrots:		
A	135.41	Under 4 inches long	6% ad val	50% ad val.
	135.42	Other	6% ad val	50% ad val.
		Cauliflower:		
A	135.50	If entered during the period from June 5 to October 15, inclusive, in any year.	5.5% ad val	50% ad val.
A	135.51	Other	12.5% ad val	50% ad val.

See footnotes at end of table.

PART 8—VEGETABLES—Continued

[28 F.R. 8655]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Vegetables, Fresh, Chilled, or Frozen—Continued		
		Vegetables, fresh, chilled, or frozen, etc.—Continued		
		Celery:		
A	135.60	If imported and entered during the period from April 15 to July 31, inclusive, in any year.	0.25¢ per lb	2¢ per lb.
	135.61	Other	1¢ per lb	2¢ per lb.
A	135.70	Chickpeas or garbanzos	1¢ per lb	2¢ per lb.
	135.75	Corn-on-the-cob	25% ad val	50% ad val.
		Cowpeas:		
A*	135.80	Black-eye	3.5¢ per lb	3.5¢ per lb.
	135.81	Other	Free	Free.
		Cucumbers:		
A*	135.90	If entered during the period from December 1 in any year to the last day of the following February, inclusive.	2.2¢ per lb	3¢ per lb.
	135.91	If products of Cuba	1¢ per lb. (s)	
	135.92	If entered during the period from March 1 to June 30, inclusive, or the period from September 1 to November 30, inclusive, in any year.	3¢ per lb	3¢ per lb.
	135.93	If products of Cuba	2.4¢ per lb. (s)	
A	135.94	If entered during the period from July 1 to August 31, inclusive, in any year.	1.5¢ per lb	3¢ per lb.
A*	136.00	Dasheens	12.5% ad val	50% ad val.
A	136.10	Endive, including Witloof chicory	0.15¢ per lb	2¢ per lb.
		Eggplant:		
	136.20	If entered during the period from April 1 to November 30, inclusive, in any year.	1.5¢ per lb	1.5¢ per lb.
	136.21	If products of Cuba	1.2¢ per lb. (s)	
	136.22	Other	1.1¢ per lb	1.5¢ per lb.
	136.23	If product of Cuba	0.5¢ per lb. (s)	
	136.30	Garlic	0.75¢ per lb	1.5¢ per lb.
A	136.40	Horseradish	1.1¢ per lb	3¢ per lb.
A	136.50	Lentils	0.1¢ per lb	0.5¢ per lb.
		Lettuce:		
	136.60	If entered during the period from June 1 to October 31, inclusive, in any year.	0.4¢ per lb	2¢ per lb.
	136.61	Other	2¢ per lb	2¢ per lb.
	136.70	Lupines	0.25¢ per lb	0.5¢ per lb.
A*	136.80	Okra	25% ad val	50% ad val.
	136.81	If product of Cuba and entered during the period from December 1 in any year to the following May 31, inclusive.	15% ad val.(s)	
		Onions:		
A	136.90	Onion sets	0.6¢ per lb	2.5¢ per lb.
A	136.92	Pearl onions not over $^{19}/_{16}$ inch in diameter	1.75¢ per lb.	2.5¢ per lb.
	136.93	Other	1.75¢ per lb.	2.5¢ per lb.
		Peas:		
		If entered during the period from July 1 to September 30, inclusive, in any year:		
A*	136.98	Fresh or chilled	0.5¢ per lb	3.9¢ per lb.
A*	136.99	Frozen	1¢ per lb	3.9¢ per lb.
A	137.01	Other	2¢ per lb	3.9¢ per lb.
	137.10	Peppers	2.5¢ per lb	2.5¢ per lb.
	137.11	If products of Cuba	2.2¢ per lb. (s)	
		Potatoes, white or Irish:		
		Seed, certified by a responsible officer or agency of a foreign government in accordance with official rules and regulations to have been grown and approved especially for use as seed, in containers marked with the foreign government's official certified seed potato tags:		
	137.20	For not over 114,000,000 pounds entered during the 12-month period beginning September 15 in any year.	37.5¢ per 100 lbs	75¢ per 100 lbs.
	137.21	Other	75¢ per 100 lbs	75¢ per 100 lbs.
		Other than such certified seed:		
	137.25	For not over 45,000,000 pounds and such additional quantity as may be allowed pursuant to headnote 2 of this part, entered during the 12-month period beginning September 15 in any year.	37.5¢ per 100 lbs	75¢ per 100 lbs.
	137.26	If products of Cuba and entered during the period from December 1 in any year to the last day of the following February, both dates inclusive.	30¢ per 100 lbs. (s)	
	137.28	Other	75¢ per 100 lbs	75¢ per 100 lbs.
	137.29	If products of Cuba and entered during the period from December 1 in any year to the last day of the following February, both dates inclusive.	30¢ per 100 lbs. (s)	

See footnotes at end of table.

PART 8—VEGETABLES—Continued

[28 F.R. 8655]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Vegetables, Fresh, Chilled, or Frozen—Continued		
		Vegetables, fresh, chilled, or frozen, etc.—Continued		
A	137.40	Radishes	6% ad val	50% ad val.
	137.50	Squash	1.1¢ per lb	2¢ per lb.
	137.51	If product of Cuba	0.8¢ per lb. (s)	
		Tomatoes:		
	137.60	If entered during the period from March 1 to July 14, inclusive, or the period from September 1 to November 14, inclusive, in any year.	2.1¢ per lb	3¢ per lb.
	137.61	If products of Cuba	1.8¢ per lb. (s)	
	137.62	If entered during the period from July 15 to August 31, inclusive, in any year.	1.5¢ per lb	3¢ per lb.
	137.63	If entered during the period from November 15, in any year, to the last day of the following February, inclusive.	1.5¢ per lb (s)	3¢ per lb.
	137.64	If products of Cuba	1.2¢ per lb. (s)	
	137.66	Turnips or rutabagas	Free	25¢ per 100 lbs.
		Other:		
A*	137.75	Chayote (Sechium edule)	12.5% ad val	50% ad val.
	137.80	Parsnips	12.5% ad val	50% ad val.
A*	137.81	Brussels sprouts	25% ad val	50% ad val.
	137.86	Other	25% ad val	50% ad val.
		Vegetables, fresh, chilled, or frozen, and cut, sliced, or otherwise reduced in size (but not otherwise prepared or preserved):		
A*	138.05	Broccoli, cauliflower and okra	17.5% ad val	35% ad val.
	138.50	Other	17.5% ad val	35% ad val.
		Subpart B—Vegetables, Dried, Desiccated, or Dehydrated		
		Vegetables, dried, desiccated, or dehydrated, whether or not reduced in size or reduced to flour (but not otherwise prepared or preserved):		
		Dried, desiccated, or dehydrated:		
		Beans:		
		If entered for consumption during the period from May 1 to August 31, inclusive, in any year:		
A*	140.09	Mung	0.6¢ per lb	3¢ per lb.
A*	140.10	Red kidney	1¢ per lb	3¢ per lb.
A	140.11	Other	0.75¢ per lb	3¢ per lb.
		If entered for consumption outside the above-stated period, or if withdrawn for consumption at any time:		
A*	140.14	Mung	1.2¢ per lb	3¢ per lb.
A	140.16	Other	1.5¢ per lb	3¢ per lb.
		Chickpeas or garbanzos:		
A*	140.20	Split	1.2¢ per lb	2.5¢ per lb.
A*	140.21	Other	1.4¢ per lb	1.75¢ per lb.
		Cowpeas:		
A*	140.25	Black-eye	0.37¢ per lb	3¢ per lb.
	140.26	Other	Free	Free.
	140.30	Garlic	35% ad val	35% ad val.
A*	140.35	Lentils	0.15¢ per lb	0.5¢ per lb.
A	140.38	Lupines	0.15¢ per lb	0.5¢ per lb.
	140.40	Onions	35% ad val	35% ad val.
		Peas:		
	140.45	Split	0.4¢ per lb	2.5¢ per lb.
A	140.46	Other	0.4¢ per lb	1.75¢ per lb.
	140.50	Potatoes	1.3¢ per lb	2.75¢ per lb.
	140.55	Other	13% ad val	35% ad val.
		Reduced to flour:		
	140.60	Garlic	35% ad val	35% ad val.
	140.65	Onions	35% ad val	35% ad val.
	140.70	Potatoes	1.2¢ per lb	2.5¢ per lb.
	140.75	Other	13% ad val	35% ad val.
		Subpart C—Vegetables, Packed in Salt, in Brine, Pickled, or Otherwise Prepared or Preserved		
		Subpart C headnotes:		
		1. For the purposes of this subpart—		
		(a) the term "in brine" means provisionally preserved by packing in a preservative liquid solution such as water impregnated with salt or sulphur dioxide, but not specially prepared for immediate consumption; and		
		(b) the term "pickled" means prepared or preserved in vinegar or acetic acid whether or not packed in oil or containing sugar, salt, or spices.		
		2. Candied, crystallized, or glacé vegetables are covered in part 9 of schedule 1.		

See footnotes at end of table.

PART 8—VEGETABLES—Continued

[28 F.R. 8655]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart C—Vegetables, Packed in Salt, in Brine, Pickled, or Otherwise Prepared or Preserved—Continued		
		Vegetables (whether or not reduced in size), packed in salt, in brine, pickled, or otherwise prepared or preserved (except vegetables in subpart B of this part):		
		Beans:		
A	141.05	Soybeans	8.5% ad val	35% ad val.
		Other:		
	141.10	In brine or packed in salt	0.7¢ per lb	3¢ per lb.
	141.15	Pickled	9% ad val	35% ad val.
A	141.20	Other	3¢ per lb. on entire contents of container.	3¢ per lb. on entire contents of container.
	141.21	If products of Cuba	2.4¢ per lb. on entire contents of container(s).	
		Cabbage:		
	141.25	Sauerkraut	7.5% ad val	50% ad val.
	141.30	Other	8.5% ad val	35% ad val.
A*	141.35	Chickpeas or garbanzos	0.75¢ per lb. on entire contents of container.	2¢ per lb. on entire contents of container.
	141.40	Black-eye cowpeas	1.5¢ per lb. on entire contents of container.	3¢ per lb. on entire contents of container.
		Onions:		
A	141.45	Packed in salt, in brine, or pickled	8% ad val	35% ad val.
A	141.50	Other	17.5% ad val	35% ad val.
A*	141.55	Peas	1¢ per lb. on entire contents of container.	2¢ per lb. on entire contents of container.
	141.60	Pimientos	4.8¢ per lb	6¢ per lb.
	141.61	If products of Cuba	3.6¢ per lb.(s)	
		Tomatoes:		
	141.65	Paste and sauce	13.6% ad val	50% ad val.
	141.66	Other	14.7% ad val	50% ad val.
A*	141.70	Waterchestnuts	17.5% ad val	35% ad val.
		Other:		
		Packed in salt, in brine, or pickled:		
	141.76	Artichokes	12% ad val	35% ad val.
A*	141.77	Other	12% ad val	35% ad val.
		Other:		35% ad val.
A	141.79	Palm hearts	8.5% ad val	35% ad val.
	141.81	Other	17.5% ad val	35% ad val.
		Subpart D—Mushrooms and Truffles		
		Mushrooms, fresh, or dried, or otherwise prepared or preserved:		
	144.10	Fresh	5¢ per lb.+25% ad val	10¢ per lb.+45% ad val.
	144.12	Dried	3.2¢ per lb.+10% ad val	10¢ per lb.+45% ad val.
	144.20	Otherwise prepared or preserved	3.2¢ per lb. on drained wt.+10% ad val.	10¢ per lb. on drained wt.+45% ad val.
	144.30	Truffles, fresh, or dried, or otherwise prepared or preserved	Free	Free.

See footnotes at end of table.

AMENDMENTS

Items 135.41 and 135.42 added, and item 135.40 deleted by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A, effective with respect to articles both: (1) imported on or after Jan. 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after Mar. 1, 1977.

Items 136.92 and 136.93 added, and item 136.91 deleted by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A, effective with respect to articles both: (1) imported on or after Jan. 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after Mar. 1, 1977.

Items 137.81 and 137.86 added as 137.71 and 137.36 (probable typographical errors) and item 137.85 deleted by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A, effective with respect to articles both: (1) imported on or after Jan. 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after Mar. 1, 1977.

Items 138.05 and 138.50 added and item 138.00 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Items 141.76 and 141.77 added, and item 141.75 deleted by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A, effective with respect to articles both: (1) imported on or after Jan. 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after Mar. 1, 1977.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 135.20, 135.30, 135.40, 135.50, 135.51, 135.60, 135.70, 136.00, 136.10, 136.40, 136.50, 136.60, 136.90, 136.98, 137.40, 137.66, 137.75, 137.80, 140.09, 140.10, 140.11, 140.14, 140.16, 140.20, 140.25, 140.35, 140.38, 140.45, 140.46, 140.50, 140.55, 140.70, 140.75, 141.05, 141.10, 141.15, 141.25, 141.30, 141.35, 141.40, 141.65, 141.66, 141.79 and 144.12, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 9—EDIBLE NUTS AND FRUITS

[28 F.R. 8661]

GSP	Item	Articles	Rates of Duty	
			1	2
		Part 9 headnote:		
		1. This part covers only edible products.		
		Subpart A—Edible Nuts[4]		
		Subpart A headnotes:		
		1. No allowance shall be made for dirt or other impurities in nuts of any kind, shelled or not shelled.		
		2. The provisions for prepared or preserved nuts include nut pastes and nut butters but do not include candied, crystallized, or glacé nuts (see subpart D of this part).		
		Chestnuts, including marrons, crude, or prepared or preserved:		
	145.01	Crude, or peeled, dried, or baked	Free	Free.
A	145.02	Otherwise prepared or preserved	3.5¢ per lb	25¢ per lb.
	145.04	Coconuts	Free	0.5¢ each.
		Coconut meat (except copra), fresh, desiccated, or otherwise prepared or preserved:		
	145.07	Fresh or frozen, whether or not shredded, grated, or similarly prepared, and whether or not sweetened with not over 10 percent by weight of sugar, but not otherwise prepared or preserved.	Free	2.2¢ per lb.
	145.08	Shredded and desiccated, or similarly prepared	1¢ per lb	3.5¢ per lb.
A*	145.09	Otherwise prepared or preserved	10% ad val	20% ad val.
		Other edible nuts, shelled or not shelled, blanched, or otherwise prepared or preserved:		
		Not shelled:		
	145.12	Almonds	5.5¢ per lb	5.5¢ per lb.
	145.14	Brazil nuts	Free	1.5¢ per lb.
	145.16	Cashews	Free	2¢ per lb.
	145.18	Filberts	5¢ per lb	5¢ per lb.
	145.20	Peanuts	4.25¢ per lb	4.25¢ per lb.
	145.21	If products of Cuba	3.4¢ per lb. (s)	
	145.22	Pecans	5¢ per lb	5¢ per lb.
A	145.24	Pignolia	0.7¢ per lb	2.5¢ per lb.
	145.26	Pistache	0.45¢ per lb	2.5¢ per lb.
A	145.28	Walnuts	5¢ per lb	5¢ per lb.
A	145.30	Other	2.5¢ per lb	2.5¢ per lb.
		Shelled, blanched, or otherwise prepared or preserved:		
		Almonds:		
	145.40	Shelled	16.5¢ per lb	16.5¢ per lb.
	145.41	Other	18.5¢ per lb	18.5¢ per lb.
	145.42	Brazil nuts	Free	4.5¢ per lb.
	145.44	Cashews	Free	2¢ per lb.
	145.46	Filberts	8¢ per lb	10¢ per lb.
	145.48	Peanuts	7¢ per lb	7¢ per lb.
	145.49	If peanut butter the product of Cuba	5.6¢ per lb. (s)	
	145.50	Pecans	10¢ per lb	10¢ per lb.
A*	145.52	Pignolia	1¢ per lb	5¢ per lb.
A*	145.53	Pistache	1¢ per lb	5¢ per lb.
		Walnuts:		
A	145.54	Pickled, immature walnuts	5¢ per lb	15¢ per lb.
	145.55	Other	15¢ per lb	15¢ per lb.
		Other edible nuts:		
	145.58	Shelled or blanched	5¢ per lb	5¢ per lb.
A*	145.60	Other	28% ad val	35% ad val.
	145.90	Mixtures of two or more kinds of edible nuts	The highest rate applicable to any of the component nuts.	The highest rate applicable to any of the component nuts.
		Subpart B—Edible Fruits		
		Subpart B headnotes:		
		1. For the purposes of this part—		
		(a) the term "fresh" covers fruit crude or in its natural state, whether green (immature) or ripe, and whether or not chilled (but not frozen), and includes fruit notwithstanding the use of nonpreservative coloring or other matter to maintain or improve its appearance;		
		(b) the term "dried" means dried, desiccated, or evaporated;		
		(c) the term "in brine" means provisionally preserved by packing in a preservative liquid solution such as water impregnated with salt or sulphur dioxide, but not specially prepared for immediate consumption;		
		(d) the term "pickled" means prepared or preserved in vinegar or acetic acid whether or not packed in oil or containing sugar, salt, or spices; and		

PART 9—EDIBLE NUTS AND FRUITS—Continued

[28 F.R. 8661]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Edible Fruits—Continued		
		Subpart B headnotes—Continued		
		(e) the term "prepared or preserved" covers fruit which is dried, in brine, pickled, frozen, or otherwise prepared or preserved, but does not cover fruit juices (see part 12A of this schedule), or fruit flours, peels, pastes, pulps, jellies, jams, marmalades, or butters (see subpart C of this part), or candied, crystallized, or glacé fruits (see subpart D of this part).		
		Apples, fresh, or prepared or preserved:		
	146.10	Fresh	Free	0.5¢ per lb.
A*	146.12	Dried	0.75¢ per lb	2¢ per lb.
	146.14	Otherwise prepared or preserved	0.5¢ per lb	2.5¢ per lb.
		Apricots, fresh, or prepared or preserved:		
	146.20	Fresh or in brine	0.2¢ per lb	0.5¢ per lb.
A*	146.22	Dried	1¢ per lb	2¢ per lb.
	146.24	Otherwise prepared or preserved	35% ad val	35% ad val.
	146.30	Avocados (alligator pears), fresh, or prepared or preserved	7.5¢ per lb	15¢ per lb.
	146.31	If products of Cuba	Free(s)	
		Bananas, fresh, or prepared or preserved:		
	146.40	Fresh	Free	Free.
A	146.42	Dried	3.5% ad val	35% ad val.
A*	146.44	Otherwise prepared or preserved	7.5% ad val	35% ad val.
		Berries, fresh, or prepared or preserved:		
		Fresh or in brine:		
	146.50	Blueberries	0.3¢ per lb	1.25¢ per lb.
	146.52	Lingon or partridge berries	Free	1.25¢ per lb.
		Loganberries and raspberries:		
	146.54	If entered during the period from July 1 to August 31, inclusive, in any year.	Free	1.25¢ per lb.
	146.56	If entered at any other time	0.3¢ per lb	1.25¢ per lb.
		Strawberries:		
	146.58	If entered during the period from June 15 to September 15, inclusive, in any year.	0.2¢ per lb	1.25¢ per lb.
	146.60	If entered at any other time	0.75¢ per lb	1.25¢ per lb.
	146.62	Other berries	Free	1.25¢ per lb.
		Dried:		
	146.64	Barberries	2.5¢ per lb	2.5¢ per lb.
A	146.66	Other	1¢ per lb	2.5¢ per lb.
		Otherwise prepared or preserved:		
		Blueberries:		
	146.68	Frozen	3% ad val	35% ad val.
	146.70	Other	3.5% ad val	35% ad val.
A	146.73	Black currants, gooseberries, lingon or partridge berries, and loganberries.	7% ad val	35% ad val.
	146.75	Other berries	14% ad val	35% ad val.
A	146.80	Cashew apples, mameyes colorados, sapodillas, soursops, and sweetsops, fresh, or prepared or preserved.	7% ad val	35% ad val.
		Cherries, fresh, or prepared or preserved:		
		Fresh:		
	146.90	Not in airtight or watertight containers	0.2¢ per lb	2¢ per lb.
	146.91	In airtight or watertight containers	1¢ per lb	2¢ per lb.
	146.93	Dried	6¢ per lb	6¢ per lb.
		In brine:		
	146.95	With pits	5.5¢ per lb	5.5¢ per lb.
	146.96	With pits removed	9.5¢ per lb	9.5¢ per lb.
	146.97	Frozen	3.5¢ per lb+5% ad val	9.5¢ per lb.+40% ad val.
	146.99	Otherwise prepared or preserved	7¢ per lb.+10% ad val	9.5¢ per lb.+40% ad val.
		Citrus fruits, fresh, or prepared or preserved:		
		Citrons:		
	147.00	Fresh, dried, or in brine	Free	Free.
	147.02	Otherwise prepared or preserved	1.7¢ per lb	6¢ per lb.
		Grapefruit:		
	147.10	If entered during the period from August 1 to September 30, inclusive, in any year.	1¢ per lb	1.5¢ per lb.
	147.11	If product of Cuba	0.3¢ per lb.(s)	
	147.13	If entered during the month of October	0.8¢ per lb	1.5¢ per lb.
	147.14	If product of Cuba	0.6¢ per lb.(s)	
	147.16	If entered during the period from November 1, in any year, to the following July 31, inclusive.	1.3¢ per lb	1.5¢ per lb.
	147.17	If product of Cuba	1.2¢ per lb.(s)	
		Lemons:		
	147.19	Fresh	1.25¢ per lb	2.5¢ per lb.
A	147.21	Prepared or preserved	0.6¢ per lb	2.5¢ per lb.
		Limes:		
	147.22	Fresh or in brine	1¢ per lb	2¢ per lb.
	147.23	If products of Cuba	0.8¢ per lb.(s)	
	147.26	Otherwise prepared or preserved	17.5% ad val	35% ad val
	147.27	If products of Cuba	14% ad val.(s)	

See footnotes at end of table.

PART 9—EDIBLE NUTS AND FRUITS—Continued

[28 F.R. 8661]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Edible Fruits—Continued		
		Citrus fruits, fresh, or prepared or preserved—Continued		
		Oranges:		
A	147.29	Mandarin, packed in airtight containers	0.2¢ per lb	1¢ per lb.
	147.30	Kumquats, packed in airtight containers	0.5¢ per lb	1¢ per lb.
	147.31	Other	1¢ per lb	1¢ per lb.
	147.32	If products of Cuba	0.8¢ per lb.(s)	
		Other citrus fruits:		
A*	147.33	Fresh	8.5% ad val	35% ad val
A*	147.36	Prepared or preserved	35% ad val	35% ad val.
	147.37	If products of Cuba	14% ad val.(s)	
		Dates, fresh, or prepared or preserved:		
		Fresh or dried:		
		With pits:		
	147.40	Packed in units weighing (with the immediate container, if any) not more than 10 pounds each.	7.5¢ per lb	7.5¢ per lb.
	147.42	Other	1¢ per lb	1¢ per lb.
		With pits removed:		
	147.44	Packed in units weighing (with the immediate container, if any) not more than 10 pounds each.	7.5¢ per lb	7.5¢ per lb.
	147.46	Other	2¢ per lb	2¢ per lb.
	147.48	Otherwise prepared or preserved	35% ad val	35% ad val.
		Figs, fresh or prepared or preserved:		
	147.50	Fresh or in brine	1.5¢ per lb	5¢ per lb.
		Dried:		
	147.51	In immediate containers weighing with their contents over 1 pound each.	4.5¢ per lb	5¢ per lb.
	147.53	Other	3.5¢ per lb	5¢ per lb.
	147.54	Otherwise prepared or preserved	12% ad val	40% ad val.
		Grapes, fresh, or prepared or preserved:		
		Fresh (in bulk, or in crates, barrels or other packages):		
	147.60	Hothouse	6¢ per cu. ft. of such bulk or the capacity of the package.	25¢ per cu. ft. of such bulk or the capacity of the package.
		Other than hothouse:		
	147.61	If entered during the period from February 15 to March 31, inclusive, in any year.	5.25¢ per cu. ft. of such bulk or the capacity of the package.	25¢ per cu. ft. of such bulk or the capacity of the package.
	147.63	If entered during the period from April 1 to June 30, inclusive, in any year.	Free	25¢ per cu. ft. of such bulk or the capacity of the package.
	147.64	If entered at any other time	6¢ per cu. ft. of such bulk or the capacity of the package.	25¢ per cu. ft. of such bulk or the capacity of the package.
		Dried:		
		Raisins:		
		Made from seedless grapes:		
	147.66	Currants	1¢ per lb	2¢ per lb.
	147.68	Sultana	1¢ per lb	2¢ per lb.
	147.70	Other	1¢ per lb	2¢ per lb.
	147.72	Other raisins	2¢ per lb	2¢ per lb.
	147.75	Other dried grapes	2.5¢ per lb	2.5¢ per lb.
	147.77	Otherwise prepared or preserved	17.5% ad val	35% ad val.
	147.78	If products of Cuba	14% ad val.(s)	
		Guavas, fresh, or prepared or preserved:		
A*	147.80	Fresh, dried, in brine, or pickled	7% ad val	35% ad val.
A*	147.85	Otherwise prepared or preserved	4% ad val	35% ad val.
		Mangoes, fresh, or prepared or preserved:		
	147.86	Fresh	3.75¢ per lb	15¢ per lb.
	147.87	If products of Cuba	3¢ per lb.(s)	
A	147.92	Prepared or preserved	3.75¢ per lb.	15¢ per lb.
	147.93	If products of Cuba	3¢ per lb.(s)	
		Melons, fresh, or prepared or preserved:		
		Fresh:		
		Cantaloupes:		
	148.10	If entered during the period from August 1 to September 15, inclusive, in any year.	20% ad val	35% ad val.
	148.11	If products of Cuba	14% ad val.(s)	
	148.15	If entered at any other time	35% ad val	35% ad val.
	148.16	If products of Cuba	14% ad val.(s)	
	148.20	Watermelons	20% ad val	35% ad val.
	148.21	If products of Cuba	Free(s)	
		Other melons:		
	148.25	If entered during the period from December 1, in any year, to the following May 31, inclusive.	8.5% ad val	35% ad val.
	148.30	If entered at any other time	35% ad val	35% ad val.
	148.31	If products of Cuba	14% ad val.(s)	
A	148.35	Prepared or preserved	35% ad val	35% ad val.
	148.36	If products of Cuba	14% ad val.(s)	

See footnotes at end of table.

PART 9—EDIBLE NUTS AND FRUITS—Continued

[28 F.R. 8661]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Edible Fruits—Continued		
		Olives, fresh, or prepared or preserved:		
	148.40	Fresh	5¢ per lb	5¢ per lb.
		In brine, whether or not pitted or stuffed:		
		Not ripe and not pitted or stuffed:		
	148.42	Not green in color and not packed in airtight containers of glass, metal, or glass and metal.	15¢ per gal	20¢ per gal.
	148.44	Other	20¢ per gal	20¢ per gal.
		Ripe, but not pitted or stuffed:		
	148.46	Not green in color and not packed in airtight containers of glass, metal, or glass and metal.	15¢ per gal	30¢ per gal.
	148.48	Other	30¢ per gal	30¢ per gal.
	148.50	Pitted or stuffed	30¢ per gal	30¢ per gal.
		Dried:		
	148.52	Not ripe	5¢ per lb	5¢ per lb.
	148.54	Ripe	2.5¢ per lb	5¢ per lb.
	148.56	Otherwise prepared or preserved	5¢ per lb	5¢ per lb.
		Papayas, fresh, or prepared or preserved:		
	148.60	Fresh	8.5% ad val	35% ad val.
	148.61	If products of Cuba	Free(s)	
	148.65	Prepared or preserved	7% ad val	35% ad val.
		Peaches, fresh, or prepared or preserved:		
		Fresh or in brine:		
	148.70	If entered during the period from June 1 to November 30, inclusive, in any year.	0.2¢ per lb	0.5¢ per lb.
A*	148.72	If entered at any other time	0.1¢ per lb	0.5¢ per lb.
	148.74	Dried	1¢ per lb	2¢ per lb.
		Otherwise prepared or preserved		
A*	148.77	White fleshed	10% ad val	35% ad val.
	148.78	Other	20% ad val	35% ad val.
		Pears, fresh, or prepared or preserved:		
	148.81	Fresh or in brine: If entered during the period from April 1 to June 30, inclusive, in any year.	0.25¢ per lb	0.5¢ per lb.
	148.82	If entered at any other time	0.5¢ per lb	0.5¢ per lb.
	148.83	Dried	1.5¢ per lb	2¢ per lb.
	148.86	Otherwise prepared or preserved	18% ad val	35% ad val.
		Pineapple, fresh, or prepared or preserved:		
		Fresh:		
	148.90	In bulk	1⅙¢ each	1⅙¢ each.
	148.91	If products of Cuba	0.84⅘¢ each(s)	
	148.93	In crates	35¢ per crate of 2.45 cu. ft.	50¢ per crate of 2.45 cu. ft.
	148.94	If products of Cuba	20¢ per crate of 2.45 cu. ft.(s).	
	148.96	In packages other than crates	27¢ per 2.45 cu. ft	50¢ per 2.45 cu. ft.
	148.97	If products of Cuba	20¢ per 2.45 cu. ft. (s)	
	148.98	Prepared or preserved	0.75¢ per lb	2¢ per lb.
	148.99	If products of Cuba	0.55¢ per lb. (s)	
		Plantains, fresh, or prepared or preserved:		
	149.10	Fresh	Free	Free.
A*	149.15	Prepared or preserved	7.5% ad val	35% ad val.
		Plums, prunes, and prunelles, fresh, or prepared or preserved:		
		Fresh:		
	149.19	If entered during the month of January in any year.	0.1¢ per lb.	0.5¢ per lb.
	149.20	If entered during the period from February 1 to May 31, inclusive, in any year.	0.1¢ per lb	0.5¢ per lb.
	149.21	If entered during the period from June 1 to December 31, inclusive, in any year.	0.5¢ per lb	0.5¢ per lb.
	149.24	In brine	0.1¢ per lb	0.5¢ per lb.
	149.26	Dried	2¢ per lb	2¢ per lb.
	149.28	Otherwise prepared or preserved	17.5% ad val	35% ad val.
	149.40	Tamarinds, fresh, or prepared or preserved	Free	Free.
		Other fruits, fresh, or prepared or preserved:		
	149.48	Chinese gooseberries (Actinidia Chinensis Planch.), fresh.	Free	1.25¢ per lb.
A*	149.50	Other fruits, fresh	8.5% ad val	35% ad val.
A	149.60	Prepared or preserved	17.5% ad val	35% ad val.
	149.61	If products of Cuba	14% ad val.(s)	
	150.00	Mixtures of two or more fruits, prepared or preserved	17.5% ad val	35% ad val.
	150.01	If products of Cuba	14% ad val.(s)	
	150.50	Any of the prepared or preserved products covered by this subpart containing 0.5 percent or more ethyl alcohol by volume.	An additional duty of $2.50 per proof gal. on such alcohol content.	An additional duty of $5 per proof gal. on such alcohol content.
		Subpart C—Fruit Flours, Peels, Pastes, Pulps, Jellies, Jams, Marmalades, and Butters		
		Fruit flours:		
A	152.00	Banana and plantain	7% ad val	20% ad val.
A	152.05	Other	15% ad val	20% ad val.

See footnotes at end of table.

PART 9—EDIBLE NUTS AND FRUITS—Continued

[28 F.R. 8661]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart C—Fruit Flours, Peels, Pastes, Pulps, Jellies, Jams, Marmalades, and Butters—Continued		
		Fruit peel, crude, dried, or otherwise prepared or preserved:		
		Crude, dried, or in brine:		
	152.10	Citron	Free	Free.
	152.14	Orange	0.6¢ per lb	2¢ per lb.
	152.18	Lemon	0.9¢ per lb	2¢ per lb.
	152.22	Other	1¢ per lb	2¢ per lb.
		Otherwise prepared or preserved:		
	152.26	Citron	1.7¢ per lb	6¢ per lb.
	152.30	Orange	3.4¢ per lb	8¢ per lb.
	152.34	Lemon	3¢ per lb	8¢ per lb.
	152.38	Other	8¢ per lb	8¢ per lb.
	152.39	If products of Cuba and grapefruit, or pomelo or shaddock, peel.	6.4¢ per lb. (s)	
		Fruit pastes and fruit pulps:		
	152.42	Apricot	17.5% ad val	35% ad val.
A*	152.43	Cashew apple, mamey colorado, sapodilla, soursop and sweetsop.	17.5% ad val	35% ad val.
	152.44	If product of Cuba	10% ad val. (s)	
	152.50	Fig	5¢ per lb	5¢ per lb.
A*	152.54	Guava	7% ad val	35% ad val.
A	152.58	Mango	7% ad val	35% ad val.
A	152.60	Tamarind	15% ad val.	35% ad val.
	152.61	If product of Cuba	14% ad val. (s)	
	152.62	Orange	17.5% ad val	35% ad val.
	152.63	If product of Cuba	14% ad val. (s)	
	152.65	Papaya	17.5% ad val	35% ad val.
	152.66	If product of Cuba	10% ad val. (s)	
A*	152.72	Banana and plantain	7.5% ad val	35% ad val.
	152.76	Other	15% ad val	35% ad val.
	152.77	If product of Cuba	14% ad val. (s)	
		All jellies, jams, marmalades, and fruit butters:		
A*	153.02	Cashew apple, mango, mamey colorado, sapodilla, soursop, and sweetsop.	5% ad val	35% ad val.
	153.04	Currant and other berry	3% ad val	35% ad val.
A	153.08	Guava	5% ad val	35% ad val.
A	153.16	Orange marmalade	5.5% ad val	35% ad val.
	153.20	Papaya	5% ad val.	35% ad val.
A	153.24	Pineapple	5% ad val	35% ad val.
A*	153.28	Quince	8.5% ad val	35% ad val.
A	153.32	Other	7% ad val	35% ad val.
		Subpart D—Glacé Nuts, Fruits, and Other Vegetable Substances		
		Candied, crystallized, or glacé nuts, fruits, fruit peel, and other vegetable substances:		
	154.05	Cherries	7¢ per lb+10% ad val	9.5¢ per lb.+40% ad val.
A	154.10	Chestnuts, including marrons	2.5¢ per lb	25¢ per lb.
	154.15	Citrons	1.7¢ per lb	6¢ per lb.
		Fruit peel:		
	154.20	Citron	1.7¢ per lb	6¢ per lb.
	154.25	Lemon	3¢ per lb	8¢ per lb.
	154.30	Orange	3.4¢ per lb	8¢ per lb.
	154.35	Other	4¢ per lb	8¢ per lb.
A*	154.40	Ginger root	13.5% ad val	20% ad val.
	154.45	Pineapples	8.5% ad val	35% ad val.
		Other:		
	154.50	Nuts	7% ad val	40% ad val.
A	154.55	Fruit	10% ad val	40% ad val.
A	154.60	Other	20% ad val	20% ad val.
	154.90	Mixtures of two or more kinds of candied, crystallized, or glacé nuts, fruit, or vegetable substances.	The highest rate applicable to any of the components.	The highest rate applicable to any of the components.

See footnotes at end of table.

AMENDMENTS

Items 147.86, 147.87, 147.92 and 147.93 added and items 147.90 and 147.91 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 149.48 added by Pub. L. 90-564, §§ 1(2), 2(a), Oct. 12, 1968, 82 Stat. 1001, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, on or after the thirtieth day after Oct. 12, 1968. Such item 149.48 amended by Pub. L. 90-564, § 2(b), Oct. 12, 1968, 82 Stat. 1001, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1969, 1970, 1971, and 1972.

Item 149.50 amended by Pub. L. 90-564, §§ 1(1), 2(a), Oct. 12, 1968, 82 Stat. 1001, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, on or after the thirtieth day after Oct. 12, 1968.

Items 152.43 and 152.44 added and 152.46 and 152.47 deleted by Ex. Ord. No. 11888, Nov. 26, 1975, 40 F.R. 55276.

Items 152.60 and 152.61 added by Ex. Ord. No. 11934, Aug. 30, 1976, 41 F.R. 37084.

Items 152.65 and 152.66 added by Ex. Ord. No. 11888, Nov. 26, 1975, 40 F.R. 55276.

Items 152.76 and 152.77 added and 152.74 and 152.75

deleted by Ex. Ord. No. 11934, Aug. 30, 1976, 41 F.R. 37084.

Items 152.02 and 153.20 added and 153.00 deleted by Ex. Ord. No. 11888, Nov. 26, 1975, 40 F.R. 55276.

STAGED RATE MODIFICATIONS

Proc. No. 3022, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 145.02, 145.04, 145.07, 145.08, 145.09, 145.14, 145.16, 145.26, 145.42, 145.52, 145.53, 145.54, 146.10, 146.12, 146.14, 146.20, 146.42, 146.44, 146.50, 146.52, 146.54, 146.56, 146.58, 146.62, 146.66, 146.68, 146.70, 146.73, 146.80, 146.90, 146.91, 146.97, 147.02, 147.10, 147.13, 147.16, 147.21, 147.26, 147.29, 147.30, 147.33, 147.50, 147.53, 147.54, 147.60, 147.63, 147.64, 147.70, 147.77, 147.80, 147.85, 148.25, 148.60, 148.65, 148.70, 148.72, 148.74, 148.77, 148.81, 148.83, 148.86, 149.15, 149.19, 149.20, 149.24, 149.28, 149.48, 149.50, 149.60, 152.00, 152.05, 152.14, 152.18, 152.22, 152.26, 152.34, 152.54, 152.58, 152.72, 153.00, 153.04, 153.08, 153.16 153.24, 153.28, 153.32, 154.10, 154.15, 154.20, 154.25, 154.35, 154.45 and 154.50, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 10—SUGAR; COCOA; CONFECTIONERY[1]

[28 F.R. 8669]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Sugars, Sirups, and Molasses		
		Subpart A headnotes:		
		1. The term "degree", as used in the "Rates of duty" columns of this subpart, means sugar degree as determined by polariscopic test.		
		2. The rates in column numbered 1 in items 155.20 and 155.30 on January 1, 1968, shall be effective only during such time as title II of the Sugar Act of 1948 or substantially equivalent legislation is in effect in the United States, whether or not the quotas, or any of them, authorized by such legislation, are being applied or are suspended: *Provided,*		
		(i) That, if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, to be effective not later than the 90th day following the termination of the effectiveness of such legislation.		
		(ii) That any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; and		
		(iii) That the January 1, 1968, rates shall resume full effectiveness, subject to the provisions of this headnote, if legislation substantially equivalent to title II of the Sugar Act of 1948 should subsequently become effective.		
		3. The total amount of sugars, sirups, and molasses described in items 155.60 and 155.30, the products of all foreign countries, entered in any calendar year shall not exceed, in the aggregate, 7,000,000 short tons, raw value. For the purposes of this headnote, the term *"raw value"* means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury. The principal grades and types of sugar shall be translated into terms of raw value in the following manner:		
		(i) For sugar described in item 155.20, by multiplying the number of pounds thereof by the greater of 0.93, or 1.07 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).		
		(ii) For sugar described in item 155.30, by multiplying the number of pounds of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.		
		(iii) The Secretary of the Treasury shall establish methods for translating sugar into terms of raw value for any special grade or type of sugar for which he determines that the raw value cannot be measured adequately under the above provisions.		
		Sugar beets and sugar cane:		
		In their natural state:		
	155.10	Sugar beets	80¢ per short ton	80¢ per short ton
	155.12	Sugar cane	$2.50 per short ton	$2.50 per short ton.
	155.15	In other forms suitable for the commercial extraction of sugar.	0.5¢ per lb. of total sugars.	1.5¢ per lb. of total sugars.

See footnotes at end of table.

PART 10—SUGAR; COCOA; CONFECTIONERY[1]—Continued

[28 F.R. 8669]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Sugars, Sirups, and Molasses—Continued		
		Sugars, sirups, and molasses, derived from sugar cane or sugar beets:		
A*	155.20	Principally of crystalline structure or in dry amorphous form.	0.6625¢ per lb. less 0.009375¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.428125¢ per lb.	1.9875¢ per lb. less 0.028125¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 1.284375¢ per lb.
	155.21	If products of Cuba	0.53¢ per lb. less 0.0075¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.3425¢ per lb. (s).	
		Not principally of crystalline structure and not in dry amorphous form:		
A	155.30	Containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6% or less by weight of the total soluble solids.	Dutiable on total sugars at the rate per lb. applicable under item 155.20 to sugar testing 100 degrees.	Dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.
	155.31	If products of Cuba	Dutiable on total sugars at the rate per lb. applicable under Item 155.21 to sugar testing 100 degree(s).	
A*	155.35	Other	2.9¢ per gal	6.8¢ per gal.
	155.36	If products of Cuba	2.1¢ per gal. (s)	
A	155.40	Sugars, sirups, molasses, and mixtures thereof; all the foregoing derived from sugar cane or sugar beets and containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to over 6% by weight of the total soluble solids, if imported for use other than (a) the commercial extraction of sugar, or (b) human consumption.	0.012¢ per lb. of total sugars.	0.03¢ per lb. of total sugars.
	155.41	If product of Cuba	0.01¢ per lb of total sugars (s).	
	155.50	Maple sugar	Free	6¢ per lb.
	155.55	Maple sirup	Free	4¢ per lb.
A	155.60	Dextrose	1.6¢ per lb	2¢ per lb.
	155.65	Dextrose sirup	1.6¢ per lb	2¢ per lb.
	155.70	Honey	1¢ per lb	3¢ per lb.
A	155.75	Sugars, sirups, and molasses, described in this subpart, flavored; and sirups, flavored or unflavored, consisting of blends of any of the products described in this subpart.	15% ad val	20% ad val.
		Subpart B—Cocoa		
		Subpart B headnote: 1. The term "chocolate", as used in this subpart, shall be limited to products (whether or not confectionery) consisting wholly of ground cocoa beans, with or without added fat, sweetening, milk, flavoring, or emulsifying agents.		
	156.10	Cocoa beans	Free	Free.
		Chocolate:		
	156.20	Not sweetened	Free	3¢ per lb.
		Sweetened:		
A	156.25	In bars or blocks weighing 10 pounds or more each	0.4¢ per lb	4¢ per lb.
A	156.30	In any other form	5% ad val	40% ad val.
A*	156.35	Cocoa butter	3% ad val	25% ad val.
A	156.40	Cocoa, not sweetened, and cocoa cake suitable for reduction to cocoa powder.	0.37¢ per lb	3¢ per lb.
A*	156.45	Cocoa, sweetened	5% ad val	40% ad val.
A	156.47	Confectioners' coatings and other products (except confectionery) containing by weight not less than 6.8 percent nonfat solids of the cocoa bean nib and not less than 15 percent of vegetable fats other than cocoa butter.	2.5% ad val	35% ad val.
		Cocoa cake not suitable for reduction to cocoa powder, and other residues from the processing of cocoa beans:		
	156.50	Cocoa bean shells	Free	Free.
	156.55	Other	Free	10% ad val.
		Subpart C—Confectionery		
		Subpart C headnotes: 1. If chocolate, candy, cakes, glacé fruits or nuts, or other confections are mixed or packed together, they shall be treated as a tariff entirely subject to the highest rate of duty applicable to any product in the assortment.		

See footnotes at end of table.

PART 10—SUGAR; COCOA; CONFECTIONERY[1]—Continued

[28 F.R. 8669]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Confectionery—Continued		
		Subpart C headnotes—Continued		
		2. The term "confectionery", as used in this subpart, covers confections or sweetmeats ready for consumption. This subpart does not cover all confectionery (see subpart B of this part, part 9 of schedule 1, and subpart B of part 15 of schedule 1 for other provisions covering confectionery).		
A	157.10	Candy, and other confectionery, not specially provided for ..	7% ad val	40% ad val.

AMENDMENTS

Subpart A, headnote 3, added by Proc. No. 4334, Nov. 16, 1974, 39 F.R. 40739, effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1975.

Items 155.20 and 155.30 amended by Proc. No. 4334, Nov. 16, 1974, 39 F.R. 40739, effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1975.

Item 155.40 amended by Pub. L. 91-674, §§ 1, 2, Jan. 12, 1971, 84 Stat. 2058, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 12, 1971.

ENTRIES OR WITHDRAWALS OF SUGAR ARTICLES, ETC., MADE AFTER AUG. 30, 1963, AND BEFORE JAN. 12, 1971

Section 2 of Pub. L. 91-674, Jan. 12, 1971, 84 Stat. 2058, permitted entries and withdrawals of articles described in item 155.40 which were made after Aug. 30, 1963, and before Jan. 12, 1971, to be liquidated or reliquidated as though such entries or withdrawals had been made on Jan. 12, 1971.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 155.50, 155.55, 155.75, 156.20, 156.25, 156.30, 156.35, 156.40, 156.45, 156.47, 156.55 and 157.10, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 11—COFFEE, TEA, MATÉ, AND SPICES

[28 F.R. 8673]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Coffee and Coffee Substitutes, Tea, Maté		
		Subpart A headnotes:		
		1. The rates of duty specified in items 160.10, 160.20, and 160.21, shall not apply to any product imported into Puerto Rico upon which a duty is imposed under the authority of section 319 of this Act.		
		2. All immediate containers and wrappings, and all intermediate containers, of tea (item 160.50) in packages of less than 5 pounds, net, each are dutiable at the rates applicable to such containers and wrappings if imported empty.		
		3. Pursuant to 21 U.S.C. 41 the importation of impure tea is prohibited, except as provided for in part 5D of schedule 8.		
	160.10	Coffee, crude, roasted, or ground, whether or not the caffeine has been removed.	Free	Free.
		Coffee extracts, essences, and concentrates (including soluble or instant coffee):		
	160.20	Soluble or instant coffee (containing no admixture of sugar, cereal, or other additive).	Free	Free.
	160.21	Other	Free	3¢ per lb.
		Chicory roots:		
	160.30	Crude	Free	2¢ per lb.
	160.35	Ground or otherwise prepared	1.5¢ per lb	4¢ per lb.
	160.40	Other coffee substitutes, and mixtures of coffee with coffee substitutes.	1.5¢ per lb	3¢ per lb.
	160.50	Tea, crude or prepared	Free	Free.
		Maté:		
	160.60	Crude	Free	Free.
	160.65	Prepared	Free	10% ad val.
		Subpart B—Spices and Spice Seeds		
		Subpart B headnotes:		
		1. The articles described in this subpart embrace only such herbs, leaves, flowers, barks, roots, seeds, or other parts of plants which have practically no food value, and are suited, and capable of being directly used, either whole, divided or ground, for culinary purposes as a seasoning or garnishment.		

See footnotes at end of table.

PART 11—COFFEE, TEA, MATÉ, AND SPICES—Continued

[28 F.R. 8673]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Spices and Spice Seeds—Continued		
		Subpart B headnotes—Continued		
		2. No allowance shall be made for dirt or other foreign matter in the articles in this subpart.		
		3. The provisions in this subpart for seeds shall include such seeds whether to be used for seeding or other purposes.		
		4. The importation of pepper shells, ground or unground, is hereby prohibited.		
	161.01	Anise	Free	Free.
		Basil:		
	161.03	Crude or not manufactured	Free	Free.
	161.05	Other	10% ad val	25% ad val.
	161.07	Capers	16% ad val.*	20% ad val.
	161.09	Caraway	Free	Free.
	161.11	Cardamon	Free	Free.
		Cassia, cassia buds, and cassia vera:		
	161.13	Not ground	Free	Free.
A*	161.15	Ground	1.5¢ per lb	5¢ per lb.
		Cinnamon and cinnamon chips:		
	161.17	Not ground	Free	Free.
A	161.19	Ground	1.5¢ per lb	5¢ per lb.
		Cloves and clove stems:		
	161.21	Not ground	Free	Free.
	161.23	Ground	3¢ per lb	6¢ per lb.
	161.25	Coriander	Free	Free.
	161.27	Cummin	Free	Free.
	161.29	Curry and curry powder	Free	5¢ per lb.
	161.31	Dill	5% ad val	25% ad val.
	161.33	Fennel	Free	Free.
		Ginger root, not candied or preserved:		
	161.35	Not ground	Free	Free.
A	161.37	Ground	1¢ per lb	5¢ per lb.
		Laurel (bay) leaves:		
	161.39	Crude or not manufactured	Free	Free.
	161.41	Other	5% ad val	25% ad val.
		Mace:		
		Bombay or wild:		
A	161.43	Not ground	9¢ per lb	18¢ per lb.
A	161.45	Ground	7.5¢ per lb	22¢ per lb.
		Other:		
	161.47	Not ground	Free	Free.
	161.49	Ground	Free	8¢ per lb.
		Marjoram:		
	161.51	Crude or not manufactured	Free	Free.
A*	161.53	Other	7.5% ad val	25% ad val.
		Mint leaves:		
	161.55	Crude or not manufactured	Free	Free.
	161.57	Other	7.5% ad val	25% ad val.
	161.59	Mustard, ground or prepared	2¢ per lb.*	10¢ per lb.
A	161.61	Mustard seeds, whole	0.43¢ per lb	2¢ per lb.
		Nutmegs:		
	161.63	Not ground	Free	Free.
A	161.65	Ground	1.5¢ per lb	5¢ per lb.
		Origanum:		
	161.67	Crude or not manufactured	Free	Free.
A*	161.69	Other	7.5% ad val	25% ad val.
A	161.71	Paprika, ground or not ground	5¢ per lb	5¢ per lb.
		Parsley:		
	161.73	Crude or not manufactured	Free	Free.
A	161.75	Other	15% ad val	20% ad val.
		Pepper:		
		Black or white:		
	161.77	Not ground	Free	Free.
A	161.79	Ground	1.5¢ per lb	5¢ per lb.
		Capsicum or cayenne or red:		
		Not ground:		
	161.80	Anaheim and anchor	5¢ per lb	5¢ per lb.
	161.82	If product of Cuba	4¢ per lb. (s)	
A	161.83	Other	2.5¢ per lb	5¢ per lb.
	161.84	Ground	5.1¢ per lb	8¢ per lb.
		Pimento (allspice):		
	161.86	Not ground	Free	Free.
	161.88	Ground	1¢ per lb	3¢ per lb.
		Rosemary:		
	161.90	Crude or not manufactured	Free	Free.
A	161.92	Other	7.5% ad val	25% ad val.
		Sage:		
A	161.94	Not ground	0.5¢ per lb	1¢ per lb.
A	161.96	Ground or rubbed	1.5¢ per lb	3¢ per lb.

See footnotes at end of table.

PART 11—COFFEE, TEA, MATÉ, AND SPICES—Continued

[28 F.R. 8673]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Spices and Spice Seeds—Continued		
		Savory:		
	162.01	Crude or not manufactured	Free	Free.
A	162.03	Other	7.5% ad val	25% ad val.
		Tarragon:		
	162.05	Crude or not manufactured	Free	Free.
A	162.07	Other	7.5% ad val	25% ad val.
		Thyme:		
	162.09	Crude or not manufactured	Free	Free.
A	162.11	Other	7.5% ad val	25% ad val.
	162.13	Turmeric	Free	Free.
A	162.15	Mixed spices, and spices, and spice seeds not specially provided for.	7.5% ad val	25% ad val.

AMENDMENTS

Subpart A, headnote 1, amended by Pub. L. 88-337, §§ 1(b), 2, June 30, 1964, 78 Stat. 232, to apply to articles entered, or withdrawn from warehouse, for consumption on or after June 30, 1964.

Items 160.20 and 160.21 amended by Pub. L. 88-337, §§ 1(a), 2, June 30, 1964, 78 Stat. 232, to apply to articles entered, or withdrawn from warehouse, for consumption on or after June 30, 1964.

Item 160.22 added by Pub. L. 88-337, §§ 1(a), 2, June 30, 1964, 78 Stat. 232, to apply to articles entered, or withdrawn from warehouse, for consumption on or after June 30, 1964.

Item 160.30 amended by Pub. L. 91-41, §§ 1(a)(1), 2, July 9, 1969, 83 Stat. 44, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1969.

PROCLAMATION OF DUTY RATES FOR CRUDE CHICORY ROOTS

Pub. L. 91-41, §§ 1(b), 2, July 9, 1969, 83 Stat. 44, provided, applicable with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1969, that: "The rates of duty for item 160.30 in rate column numbered 1 of the Tariff Schedules of the United States, as amended by subsection (a), shall (1) be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carrying out foreign trade agreements to which the United States is a party, and (2) supersede the staged rates of duty provided for such items in annex III to Proclamation 3822, dated December 16, 1967 (32 Fed. Reg., No. 244, pt. II, p. 19037)."

ENTRIES OR WITHDRAWALS OF SOLUBLE OR INSTANT COFFEE MADE BEFORE JUNE 30, 1964

Section 2 of Pub. L. 88-337, June 30, 1964, 78 Stat. 232, permitted certain entries and withdrawals of soluble or instant coffee (containing no admixture of sugar, cereal, or other additive) made before June 30, 1964 which were not liquidated on such date to be liquidated or reliquidated as though such entries and withdrawals had been made on June 30, 1964.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 160.21, 160.30, 160.35, 160.40, 160.65, 161.15, 161.19, 161.29, 161.31, 161.37, 161.41, 161.43, 161.45, 161.49, 161.53, 161.57, 161.59, 161.61, 161.65, 161.69, 161.75, 161.79, 161.83, 161.88, 161.92, 161.94, 161.96, 162.03, 162.07, 162.11 and 162.15, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part, reflect the rates effective on and after Jan. 1, 1972.

PART 12—BEVERAGES[4]

[28 F.R. 8677]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 12 headnotes: 1. This part covers only products which are fit for use as beverages or for beverage purposes. 2. Each and every gauge or wine gallon of measurement is counted as at least one proof gallon; and the standard for determining the proof of brandy and other spirits or liquors of any kind when imported is the same as that which is defined in the laws relating to internal revenue. The Secretary of the Treasury, in his discretion, may authorize the ascertainment of the proof of wines, cordials, or other liquors and fruit juices by distillation or otherwise, when it is impracticable to ascertain such proof by the means prescribed by existing law or regulations. 3. The duties prescribed on products covered by this part are in addition to the internal-revenue taxes imposed under existing law or any subsequent Act. The duties imposed on products covered by this part which are subject also to internal-revenue taxes are imposed only on the quantities subject to such taxes; except that, in the case of distilled spirits transferred to the bonded premises of a distilled spirits plant under the provisions of section 5232 of the Internal Revenue Code of 1954, the duties are imposed on the quantity withdrawn from customs custody.		

See footnotes at end of table.

PART 12—BEVERAGES[1]—Continued

[28 F.R. 8677]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 12 headnotes—Continued		
		4. Provisions for the free entry of certain samples of alcoholic beverages are covered by part 5 of schedule 8.		
		Subpart A—Fruit Juices		
		Subpart A headnotes:		
		1. The products described in this subpart are covered herein whether or not containing ethyl alcohol, but any such products which are also described in subpart C or D of this part are classifiable in said subpart C or D.		
		2. For the purposes of this subpart, a concentrated juice may be in liquid, powdered, or solid form.		
		3. For the purposes of this subpart—		
		(a) the term "gallon" in the "Rates of duty" column of the provisions applicable to fruit juices means gallon of natural unconcentrated juice or gallon of reconstituted juice;		
		(b) the term "reconstituted juice" means the product which can be obtained by mixing the imported concentrate with water in such proportion that the product will have a Brix value equal to that found by the Secretary of the Treasury from time to time to be the average Brix value of like natural unconcentrated juice in the trade and commerce of the United States; and		
		(c) the term "Brix value" means the refractometric sucrose value of the juice, adjusted to compensate for the effect of any added sweetening materials, and thereafter corrected for acid.		
		4. In determining the number of gallons of reconstituted fruit juice which can be obtained from a concentrate, the degree of concentration shall be calculated on a volume basis to the nearest 0.5 degree, as determined by the ratio of the Brix value of the imported concentrated juice to that of the reconstituted juice, corrected for differences of specific gravity of the juices. Any juice having a degree of concentration of less than 1.5 (as determined before correction to the nearest 0.5 degree) shall be regarded as a natural unconcentrated juice.		
		5. In determining the degree of concentration of mixed fruit juices (item 165.65), the mixture shall be considered as being wholly of the component juice having the lowest Brix value.		
		Fruit juices, including mixed fruit juices, concentrated or not concentrated, whether or not sweetened:		
		Not mixed and not containing over 1.0 percent of ethyl alcohol by volume:		
	165.15	Apple or pear	Free	5¢ per gal.
		Citrus fruit:		
	165.25	Lime	10¢ per gal	70¢ per gal.
		Other:		
	165.30	Not concentrated	20¢ per gal	70¢ per gal.
	165.35	Concentrated	35¢ per gal	70¢ per gal.
	165.40	Grape	25¢ per gal.	$1 per gal.
		Pineapple:		
	165.44	Not concentrated, or having a degree of concentration of not more than 3.5 degrees (as determined before correction to the nearest 0.5 degree).	20¢ per gal	70¢ per gal.
	165.46	Other	5¢ per gal	70¢ per gal.
	165.50	Prune	3.8¢ per gal	70¢ per gal.
A	165.55	Other	3¢ per gal	70¢ per gal.
	165.65	Mixed, not containing over 1.0 percent of ethyl alcohol by volume.	The highest rate applicable to any component juice under the foregoing provisions.	The highest rate applicable to any component juice under the foregoing provisions.
	165.70	Mixed or not mixed, containing over 1.0 percent of ethyl alcohol by volume.	26¢ per gal.+$1.85 per proof gal. on the alcohol content.	70¢ per gal.+$5 per proof gal. on the alcohol content.
		Subpart B—Nonalcoholic Beverages		
		Subpart B headnote:		
		1. The provisions of this subpart cover only products fit for use as beverages, and do not apply to any product containing 0.5 percent or more of ethyl alcohol by volume or to any product described in subpart A of this part.		
A	166.10	All mineral waters, natural, imitation, or artificial	1.5¢ per gal	10¢ per gal.
A	166.20	Ginger ale, ginger beer, lemonade, and soda water	1¢ per gal	15¢ per gal.
A	166.30	Vegetable juices, including mixed vegetable juices	1¢ per gal	15¢ per gal.
A*	166.40	Beverages, not specially provided for	1¢ per gal	15¢ per gal.

See footnotes at end of table.

PART 12—BEVERAGES[4]—Continued

[28 F.R. 8677]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Fermented Alcoholic Beverages		
		Subpart C headnote:		
		1. Beverages in this subpart, containing over 24 percent of ethyl alcohol by volume when imported, are classed as spirits under item 168.52.		
A	167.05	Ale, porter, stout, and beer	6¢ per gal	50¢ per gal.
	167.10	Champagne and other sparkling wines	$1.17 per gal	$6 per gal.
A	167.15	Cider, fermented, whether still or sparkling	3¢ per gal	5¢ per gal.
	167.20	Prune wine	26¢ per gal. plus $1.85 per proof gal. on ethyl alcohol content.	70¢ per gal. plus $5 per proof gal. on ethyl alcohol content.
A	167.25	Rice wine or sake	25¢ per gal	$1.25 per gal.
		Still wines produced from grapes:		
		Containing not over 14 percent of alcohol by volume:		
	167.30	In containers each holding not over 1 gallon	37.5¢ per gal	$1.25 per gal.
	167.32	In containers each holding over 1 gallon	62.5¢ per gal	$1.25 per gal.
		Containing over 14 percent of alcohol by volume:		
A	167.34	In containers each holding not over 1 gallon, if entitled under regulations of the United States Internal Revenue Service to a type designation which includes the name "Marsala" and if so designated on the approved label.	31.5¢ per gal	$1.25 per gal.
	167.35	Sherry	$1 per gal	$1.25 per gal.
	167.37	Other	$1 per gal	$1.25 per gal.
		Vermuth:		
A	167.40	In containers each holding not over 1 gallon	21¢ per gal	$1.25 per gal.
	167.42	In containers each holding over 1 gallon	32¢ per gal	$1.25 per gal.
A	167.50	Other fermented alcoholic beverages	25¢ per gal	$1.25 per gal.
	167.90	Imitations of wines	$3.75 per proof gal	$5 per proof gal.
		Subpart D—Spirits, Spirituous Beverages and Beverage Preparations		
		Subpart D headnote:		
		1. No lower rate or amount of duty shall be levied, collected, and paid on the articles enumerated in this subpart than that fixed by law for the description of first proof; and the rate or amount of duty shall be increased in proportion for any greater strength than the strength of first proof.		
	168.05	Aquavit	42¢ per gal	$5 per gal.
	168.10	Arrack	$1 per gal	$5 per gal.
		Bitters of all kinds containing spirits:		
A*	168.15	Not fit for use as beverages	94¢ per gal	$5 per gal.
A	168.17	Fit for use as beverages	50¢ per gal	$5 per gal.
		Brandy:		
		Pisco and singani:		
		In containers each holding not over 1 gallon:		
A	168.18	Valued not over $9 per gallon	62¢ per gal	$5 per gal.
A	168.23	Valued over $9 per gallon	$1.25 per gal.[1]	$5 per gal.
		In containers each holding over 1 gallon:		
A	168.24	Valued not over $9 per gallon	50¢ per gal	$5 per gal.
A	168.26	Valued over $9 per gallon	$1 per gal.[1]	$5 per gal.
		Other:		
		In containers each holding not over 1 gallon:		
	168.27	Valued not over $9 per gallon	62¢ per gal	$5 per gal.
	168.28	Valued over $9 per gallon	$1.25 per gal.[1]	$5 per gal.
		In containers each holding over 1 gallon:		
	168.29	Valued not over $9 per gallon	50¢ per gal	$5 per gal.
	168.32	Valued over $9 per gallon	$1 per gal.[1]	$5 per gal.
A	168.33	Cordials, liqueurs, kirschwasser, and ratafia	50¢ per gal	$5 per gal
	168.34	Ethyl alcohol for beverage purposes	$1.12 per gal	$5 per gal.
A	168.35	Gin	50¢ per gal	$5 per gal.
	168.40	Rum (including *cana paraguaya*)	$1.75 per gal	$5 per gal.
		Whiskey:		
	168.45	Irish and Scotch	51¢ per gal	$5 per gal.
	168.46	Other	62¢ per gal	$5 per gal.
		Other spirits, and preparations in chief value of distilled spirits, fit for use as beverages or for beverage purposes:		
		Tequila:		
	168.47	In containers each holding not over 1 gallon	$1.25 per gal	$5 per gal.
A	168.48	In containers each holding over 1 gallon	$1.25 per gal	$5 per gal.
A	168.52	Spirits	$1.25 per gal	$5 per gal.
A	168.55	Other	$1.25 per gal	$5 per gal.
	168.90	Imitations of brandy and other spirituous beverages	$2.50 per gal	$5 per gal.

See footnotes at end of table.

AMENDMENTS

Headnote 3 amended by Pub. L. 90-630, §§ 3(b), 4, Oct. 22, 1968, 82 Stat. 1329, which added provision that, in the case of distilled spirits transferred to the bonded premises of a distilled spirits plant, under the provisions of section 5232 of the Internal Revenue Code of 1954, the duties would be imposed on the quantity withdrawn from customs custody, on or after February 1, 1969.

Subpart C, headnote 1, amended by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A.

Item 165.40 amended by Pub. L. 89-241, §§ 2(a), 5, Oct. 7, 1965, 79 Stat. 933, 934, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 168.18, 168.23, 168.24, 168.26, 168.27, 168.28, 168.29 and 168.32 added and items 168.19, 168.20, 168.21 and 168.22 deleted by Ex. Ord. No. 11888, Nov. 26, 1975, 40 F.R. 55276.

Items 168.25 and 168.30 redesignated 168.33 and 168.34, respectively by Ex. Ord. No. 11888, Nov. 26, 1975, 40 F.R. 55276.

Items 168.47 and 168.48 added and item 168.52 redesignated 168.50 by Ex. Ord. No. 11934, Aug. 30, 1976, 41 F.R. 37084.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 165.15, 165.25, 165.40, 165.50, 165.55, 165.70, 166.10, 166.20, 166.30, 166.40, 167.07, 167.10, 167.20, 167.25, 167.34, 167.40, 167.42, 167.50, 167.90, 168.05, 168.10, 168.15, 168.17, 168.19, 168.21, 168.25, 168.30, 168.35, 168.45, 168.46, 168.55 and 168.90, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 13—TOBACCO AND TOBACCO PRODUCTS

[28 F.R. 8681]

GSP	Item	Articles	Rates of Duty	
			1	2
		Part 13 headnotes: 1. The term "wrapper tobacco", as used in this part, means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term "filler tobacco" means all other leaf tobacco. 2. The percentage of wrapper tobacco in a bale, box, package, or other shipping unit is the ratio of the number of leaves of wrapper tobacco in such unit to the total number of leaves therein. In determining such percentage for classification purposes, the appraiser shall examine at least ten hands, and shall count the leaves in at least two hands, from each shipping unit designated for examination. [3, 4. Deleted.] 5. The dutiable weight of cigars and cigarettes includes the weight of all materials which are integral parts thereof. 6. Provisions for the free entry of certain samples of tobacco products are covered by part 5 of schedule 8.		
		Leaf tobacco, the product of two or more countries or dependencies, when mixed or packed together:		
	170.01	Not stemmed	$2.275 per lb	$2.275 per lb.
	170.05	Stemmed	$2.925 per lb	$2.925 per lb.
		Wrapper tobacco (whether or not mixed or packed with filler tobacco):		
	170.10	Not stemmed	90.9¢ per lb	$2.275 per lb.
	170.11	If product of Cuba	81.9¢ per lb. (s)	
	170.15	Stemmed	$1.548 per lb	$2.925 per lb.
		Filler tobacco (whether or not mixed or packed with wrapper tobacco):		
		When mixed or packed with over 35% of wrapper tobacco:		
	170.20	Not stemmed	90.9¢ per lb	$2.275 per lb.
	170.21	If product of Cuba	81.9¢ per lb. (s)	
	170.25	Stemmed	$1.548 per lb	$2.925 per lb
		When not mixed and not packed with wrapper tobacco, or when mixed or packed with 35% or less of wrapper tobacco:		
		Cigarette leaf:		
		Not stemmed:		
	170.28	Leaf, oriental or Turkish type, not over 8.5 inches in length.	11.5¢ per lb	35¢ per lb.
	170.32	Other	12.75¢ per lb	35¢ per lb.
	170.35	Stemmed	45¢ per lb	50¢ per lb.
		Other, including cigar leaf:		
	170.40	Not stemmed	16.1¢ per lb	35¢ per lb.
	170.41	If product of Cuba	12.6¢ per lb. (s)	
	170.45	Stemmed	23¢ per lb	50¢ per lb.
	170.46	If product of Cuba	18¢ per lb. (s)	
		Tobacco stems:		
	170.50	Not cut, not ground, and not pulverized	Free	Free.
	170.55	Cut, ground, or pulverized	55¢ per lb	55¢ per lb.
	170.60	Scrap tobacco	16.1¢ per lb	35¢ per lb.
	170.61	If product of Cuba	12.6¢ per lb. (s)	
	170.65	Cigarettes	$1.06 per lb. + 5% ad val	$4.50 per lb. + 25% ad val.
		Cigars and cheroots:		
	170.66	Cigars each valued 15 cents or over	95¢ per lb. + 5% ad val	$4.50 per lb. + 25% ad val.
	170.72	Other	$1.91 per lb. + 10.5% ad val.	$4.50 per lb. + 25% ad val.
	170.73	If product of Cuba	$1.27 per lb. + 8.5% ad val. (s).	
	170.78	Snuff and snuff flour, manufactured of tobacco, of all descriptions.	11¢ per lb	55¢ per lb.
	170.80	Tobacco, manufactured or not manufactured, not specially provided for.	17.5¢ per lb	55¢ per lb.

See footnotes at end of table.

AMENDMENTS

Headnotes 3 and 4 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, effective Jan. 1, 1976.

Items 170.22, 170.23, 170.24, 170.26, 170.27, 170.29, 170.31, 170.33, 170.34, 170.36, 170.37, 170.42, 170.43, 170.44, 170.47, 170.48, 170.49, 170.62, 170.63, 170.64, 170.68, 170.70, 170.74, 170.75 and 170.76 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, effective Jan. 1, 1976.

Item 170.67 deleted by Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, effective Jan. 1, 1970

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 170.28, 170.31, 170.35, 170.37, 170.66, 170.67, 170.69, 170.70 and 170.78, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 14—ANIMAL AND VEGETABLE OILS, FATS, AND GREASES

[28 F.R. 8685]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Oilbearing Vegetable Materials•		
		Subpart A headnote: 1. This subpart covers oilbearing seeds and other oilbearing vegetable materials.		
	175.03	Apricot and peach kernels	1.5¢ per lb	3¢ per lb.
	175.06	Castor beans	Free	0.5¢ per lb.
	175.09	Copra	Free	Free.
	175.15	Cottonseed	½¢ per lb	½¢ per lb.
	175.18	Flaxseed (Linseed)	50¢ per bu. of 56 lb	65¢ per bu. of 56 lb.
	175.21	Hempseed	0.46¢ per lb	1.24¢ per lb.
	175.24	Kapok seed	Free	2¢ per lb.
	175.28	Palm-nut kernels and palm nuts	Free	Free.[11]
	175.33	Perilla seed	1.38¢ per lb	1.38¢ per lb.
	175.36	Poppy seed	6¢ per 100 lbs	32¢ per 100 lbs.
	175.39	Rapeseed	1¢ per lb	2¢ per lb.
	175.42	Rubber seed	Free	Free.
	175.45	Sesame seed	Free	1.18¢ per lb.
		Soy beans:		
	175.48	Certified by a responsible officer or agency of a foreign government in accordance with the official rules and regulations of that government to have been grown and approved especially for use as seed, in containers marked with the foreign government's official certified seed soybean tags.	1¢ per lb	2¢ per lb.
	175.49	Other	1¢ per lb	2¢ per lb.
A	175.51	Sunflower seed	0.4¢ per lb	2¢ per lb.
	175.54	Tung nuts	Free	Free.
	175.57	Oilbearing nuts and seeds, not specially provided for	Free	Free.
		Subpart B—Vegetable Oils, Crude or Refined•		
		Subpart B headnotes: 1. This subpart covers all expressed or extracted vegetable oils, whether crude or subjected to refining processes, but does not cover any of such products which have been artificially mixed or which have been sulfonated, sulfated, hydrogenated, or processed otherwise than by refining. This subpart also covers vegetable tallow.		
	176.00	Babassu oil	Free	Free.
		Castor oil:		
A	176.01	Valued not over 20 cents per pound	7.5% ad val	3¢ per lb.
		Valued over 20 cents per pound:		
A	176.14	Having Lovibond color values greater than 6 yellow and 0.6 red.	1.5¢ per lb	3¢ per lb.
A*	176.15	Other	1.5¢ per lb	3¢ per lb.
	176.16	Corn oil	10% ad val	20% ad val.
	176.17	Coconut oil	1¢ per lb	2¢ per lb.
	176.18	Cottonseed oil	3¢ per lb	3¢ per lb.
	176.20	Croton oil	Free	Free.
	176.22	Hempseed oil	6¢ per lb	6¢ per lb.
	176.24	Kapok oil	1.125¢ per lb. + 5% ad val.	4.5¢ per lb. + 20% ad val.
	176.26	Linseed or flaxseed oil	4.5¢ per lb	4.5¢ per lb.
		Olive oil:		
	176.28	Rendered unfit for use as food	Free	Free.
		Other:		
	176.29	Weighing with the immediate container under 40 pounds.	3.8¢ per lb. on contents and container.	8¢ per lb. on contents and container.
A	176.30	Other	2.6¢ per lb	6.5¢ per lb.
		Palm-kernel oil:		
	176.32	Rendered unfit for use as food	Free	3¢ per lb.[13]
A*	176.33	Other	0.5¢ per lb	1¢ per lb.[13]
	176.34	Palm oil	Free	Free.
	176.38	Peanut oil	4¢ per lb	4¢ per lb.
	176.40	Perilla oil	4.5¢ per lb	4.5¢ per lb.
	176.42	Poppy seed oil	0.75¢ per lb	2¢ per lb.

See footnotes at end of table.

PART 14—ANIMAL AND VEGETABLE OILS, FATS, AND GREASES—Continued

[28 F.R. 8685]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Vegetable Oils, Crude or Refined—Continued		
		Rapeseed oil:		
		Rendered unfit for use as food:		
	176.44	Imported to be used in the manufacture of rubber substitutes or lubricating oil.	Free	Free.
	176.45	Other	1.8¢ per lb	4.5¢ per lb.
		Other:		
	176.46	Imported to be used in the manufacture of rubber substitutes or lubricating oil.	0.45¢ per lb	0.8¢ per lb.
	176.47	Other	2.4¢ per lb	5.3¢ per lb.
		Sesame oil:		
A	176.49	Rendered unfit for use as food	2.2¢ per lb	4.5¢ per lb.
A	176.50	Other	0.7¢ per lb	3¢ per lb.
	176.52	Soybean oil	0.7% ad val	45% ad val.
		Sunflower oil:		
	176.54	Rendered unfit for use as food	0.9¢ per lb	4.5¢ per lb.
	176.55	Other	0.9¢ per lb. + 4% ad val	4.5¢ per lb. + 20% ad val.
	176.58	Sweet almond oil	Free	Free.
	176.60	Tung oil	Free	Free.
		Expressed or extracted vegetable oils, not specially provided for:		
	176.64	Nut oils	Free	Free.
A	176.70	Other	5% ad val	20% ad val.
	176.90	Vegetable tallow	Free	Free.
		Subpart C—Animal Oils, Fats, and Greases, Crude or Refined		
		Subpart C headnotes:		
		1. This subpart covers animal oils, fats, and greases, whether crude or subjected to refining processes, but does not cover any of such products which have been artificially mixed or which have been sulfonated, sulfated, hydrogenated, or processed otherwise than by refining. The fish oils described in this subpart are classifiable hereunder even if they are deemed to be vitamins or drugs within the meaning of those terms in part 3 of schedule 4.		
		2. This subpart does not cover products of American fisheries (see part 15A of schedule 1).		
		Marine-animal oils:		
		Fish-liver oils:		
	177.02	Cod	Free	Free.
	177.04	Other	2.5% ad val	3¢ per lb. + 10% ad val.
		Fish oils other than liver oils:		
A	177.12	Anchovy	0.75¢ per lb. + 5% ad val	3¢ per lb. + 20% ad val.
	177.14	Cod	Free	Free.
A	177.16	Shark	0.4¢ per lb. + 2% ad val	3¢ per lb. + 20% ad val.
	177.20	Eulachon	0.7¢ per lb	3¢ per lb.
A	177.22	Herring	0.46¢ per lb	3⅗¢ per lb.
A	177.24	Menhaden	1.7¢ per lb	3⅗¢ per lb.
A	177.26	Other	0.7¢ per lb. + 5% ad val	3¢ per lb. + 20% ad val.
		Other marine-animal oils:		
	177.30	Seal	0.95¢ per lb	3.8¢ per lb.
		Sperm:		
	177.32	Crude	0.03¢ per lb	0.67¢ per lb.
	177.34	Other than crude	0.2¢ per lb	1.87¢ per lb.
	177.36	Whale (except sperm)	0.6¢ per lb	3.8¢ per lb.
A	177.40	Other	0.75¢ per lb. + 5% ad val	3¢ per lb. + 20% ad val.
		Other animal oils, fats, and greases:		
	177.50	Lard	3¢ per lb	3¢ per lb.
	177.52	Oleo oil and oleo stearin	2¢ per lb	4¢ per lb.
	177.56	Tallow	0.43¢ per lb	3.5¢ per lb.
		Wool grease:		
A	177.58	Conforming to the specifications for wool fat (including hydrous wool fat) appearing in the U.S. Pharmacopoeia, 15th revision.	5¢ per lb	6¢ per lb.
A	177.62	Other	2.65¢ per lb	4.3¢ per lb.
		Other:		
		Edible:		
	177.67	Derived from milk	10% ad val	20% ad val.
A	177.69	Other	0.75% ad val	20% ad val.
A	177.72	Not edible	0.75¢ per lb. + 5% ad val	3¢ per lb.+20% ad val.
		Subpart D—Hardened Oils, Fats, and Greases; Mixtures		
	178.05	Sod oil	0.95¢ per lb	3⅗¢ per lb.
	178.10	Hydrogenated or hardened oils, fats, and greases; and lard substitutes whether or not containing lard.	5¢ per lb	5¢ per lb.
		Artificial mixtures of two or more of the products provided for in subparts B and C of this part:		
	178.25	In chief value of linseed or flaxseed oil	4.5¢ per lb	4.5¢ per lb.
A	178.30	Other	10% ad val., but not less than the rate applicable to component material subject to the highest rate of duty.	25% ad val., but not less than the rate applicable to component material subject to the highest rate of duty.

See footnotes at end of table.

AMENDMENTS

Headnotes 1, 2 and 3 of this Part deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, effective Jan. 1, 1976.

Headnote 3 amended by Pub. L. 89-388, §§ 1(f)(1), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Subpart B, headnote 2, deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, effective Jan. 1, 1976.

Items 175.09 and 176.04 amended by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, effective Jan. 1, 1976.

Items 175.10, 175.11, 175.12, 176.05, 176.06, 176.07, 176.08, 176.09, 176.10, 176.11, 176.12 and 176.13 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, effective Jan. 1, 1976.

Items 175.09 to 175.12 amended by Pub. L. 89-388, §§ 1(a), 2, Apr. 13, 1966, 80 Stat. 109, 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Item 175.27. Items 175.27 and 175.30 struck out and item 175.28 substituted in lieu thereof by Pub. L. 89-388, §§ 1(b), 2, Apr. 13, 1966, 80 Stat. 109, 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Items 176.14 and 176.15 added, item 176.02 deleted, and items 176.03 and 176.04 redesignated 176.16 and 176.17, respectively, by Ex. Ord. No. 11934, Aug. 30, 1976, 41 F.R. 37084.

Items 176.04 to 176.13 amended by Pub. L. 89-388, §§ 1(c), 2, Apr. 13, 1966, 80 Stat. 109, 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Items 176.32 and 176.33 amended and item 176.34 substituted in lieu of struck article description preceding item 176.35 and struck items 176.35 and 176.36 by Pub. L. 89-388, §§ 1(d), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

COCONUT OIL INCREASE FOR 1965

Pub. L. 89-388, § 3, Apr. 13, 1966, 80 Stat. 110, increased the limitation in headnote 2(b) of subpart B, for the calendar year 1965, and provided for the liquidation and reliquidation of coconut oil entered from the Philippines during 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 175.03, 175.06, 175.21, 175.24, 175.36, 175.45, 175.48, 175.49, 175.53, 176.01, 176.24, 176.42, 176.46, 176.49, 176.50, 176.52, 176.54, 176.55, 176.70, 177.04, 177.12, 177.16, 177.20, 177.22, 177.24, 177.26, 177.30, 177.32, 177.34, 177.36, 177.40, 177.56, 177.69, 177.72, 178.05 and 178.30, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 15—OTHER ANIMAL AND VEGETABLE PRODUCTS

[28 F.R. 8691]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Products of American Fisheries		
		Subpart A headnotes: 1. An American fishery, for the purposes of this subpart, is a fishing enterprise conducted under the American flag by vessels of the United States on the high seas or in foreign waters in which such vessels have the right, by treaty or otherwise, to take fish or other marine products and may include a shore station operated in conjunction with such vessels by the owner or master thereof. 2. None of the items in this subpart shall apply to fish, fresh, chilled, or frozen, in the form of fillets, steaks, or slices substantially free of bone (including any of the foregoing divided into sections), if produced in a foreign country, or its territorial waters, in whole or in part with the use of the labor of persons who are not residents of the United States.		
	180.00	Products of American fisheries (including fish, shellfish, and other marine animals, spermaceti, and marine animal oils), which have not been landed in a foreign country, or which, if so landed, have been landed solely for transshipment without change in condition.	Free	Free.
	180.10	Fish (except cod, cusk, haddock, hake, mackerel, pollock, and swordfish), the product of American fisheries, landed in a foreign country and there processed by removal of heads, viscera, or fins, or by chilling or freezing, or by any combination of these processes, but not otherwise processed.	Free	Free.
	180.20	Products of American fisheries, prepared or preserved by an American fishery on the treaty coasts of Labrador, Magdalen Islands, and Newfoundland, as such coasts are defined in the convention of 1818 between the United States and Great Britain.	Free	Free.
		Subpart B—Edible Preparations[14]		
		Subpart B headnotes: 1. This subpart covers preparations fit for human consumption not provided for elsewhere in schedule 1. 2. The standard of proof of vinegar is 4 percent by weight of acetic acid. 3. The term "edible preparations" in items 182.90, 182.92, 182.93, 182.96 and 182.98 embraces only substances prepared and chiefly used as a human food or as an ingredient in such food, but such term does not include any substance provided for in schedule 4 (except part 2E thereof) or schedule 5 (except part 1K thereof).		

See footnotes at end of table.

PART 15—OTHER ANIMAL AND VEGETABLE PRODUCTS—Continued

[28 F.R. 8691]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Edible Preparations [14]—Continued		
A	182.05	Antipasto	5% ad val	30% ad val.
		Balls, hash, pastes, puddings, and similar forms, all the foregoing of vegetables or of vegetables and meat, or fish (including shellfish), or both.		
A	182.10	Corned beef hash	10% ad val	35% ad val.
A	182.11	Other	17% ad val	35% ad val.
A	182.15	Bean cake, bean stick, miso, and similar products	14% ad val	35% ad val.
A	182.20	Biscuits, cake, cakes, wafers, and similar baked products and puddings, all the foregoing by whatever name known, and whether or not containing chocolate, fruit, nuts, or confectionery.	3% ad val	30% ad val.
	182.25	Bread made with the use of yeast as the leavening substance.	Free	Free.
A	182.30	Cereal breakfast foods and similar cereal preparations, by whatever name known, processed further than milling.	2.5% ad val	20% ad val.
A	182.32	Chewing gum	5% ad val	20% ad val.
		Macaroni, noodles, vermicelli, and similar alimentary pastes:		
A	182.35	Not containing egg or egg products	0.5¢ per lb	2¢ per lb.
A	182.36	Containing egg or egg products	0.7¢ per lb	3¢ per lb.
A	182.40	Nonalcoholic preparations of yeast extract (other than sauces) for flavoring or seasoning food.	5% ad val	20% ad val.
		Sauces:		
A	182.45	Thin soy	6% ad val	35% ad val.
A	182.46	Other	7.5% ad val	35% ad val.
	182.48	Seaweeds and other marine plants prepared for use as human food or as an ingredient in such food.	Free	Free.
		Soups, soup rolls, soup tablets or cubes, and other soup preparations:		
	182.50	Containing oysters or oyster juice	3¢ per lb. (including wt. of immediate container).	8¢ per lb. (including wt. of immediate container).
A	182.52	Other	7% ad val	35% ad val.
		Vinegar:		
	182.55	Malt	Free	8¢ per proof gal.
A	182.58	Other	3¢ per proof gal	8¢ per proof gal.
	182.70	Wild rice, crude or processed	2.5% ad val	10% ad val.
		Edible preparations not specially provided for (including prepared meals individually packaged):		
A	182.90	Of gelatin	6% ad val	25% ad val.
		Other:		
	182.92	Containing over 5.5 percent by weight of butterfat and not packaged for retail sale.	20% ad val	25% ad val.
	182.93	If products of Cuba	16% ad val. (s)	20% ad val.
		Other:		
A	182.96	Wheat gluten	10% ad val	20% ad val.
	182.98	Other	10% ad val	20% ad val.
		Subpart C—Animal Feeds		
		Subpart C headnotes:		
		1. For the purposes of this subpart—		
		(a) the term "animal feeds, and ingredients therefor" embraces products chiefly used as food for animals, or chiefly used as ingredients in such food, respectively, but such term does not include any product provided for in schedule 4 (except part 2E thereof) or schedule 5 (except part 1K thereof); and		
		(b) the terms "mixed feeds" and "mixed-feed ingredients" in item 184.70 embrace products which are admixtures of grains (or products, including byproducts, obtained in milling grains) with molasses, oil cake, oil-cake meal, or other feedstuffs, and which consist of not less than 6 percent by weight of the said grains or grain products.		
		2. None of the provisions of this subpart cover fertilizer or fertilizer materials (see part 11 of schedule 4).		
	184.10	Bran, shorts, and middlings obtained in milling grains	Free	10% ad val.
	184.20	Beet pulp, dried	Free	$4.45 per short ton.
	184.25	Brewers' and distillers' grains and malt sprouts	Free	$4.45 per short ton.
	184.30	Hay	Free	$5 per short ton.
	184.35	Straw (except flax straw and rice straw)	Free	$1.50 per short ton.
	184.40	Grain hulls, ground or not ground	Free	10¢ per 100 lbs.
		Grain or seed screenings, scalpings, chaff, or scourings, ground or not ground:		
	184.45	Of flaxseed	Free	10% ad val.
	184.47	Other	Free	10% ad val.
		Soy bean and other vegetable oil cake and oil-cake meal:		
A	184.50	Linseed oil cake and oil-cake meal	0.12¢ per lb	0.3¢ per lb.
	184.52	Other	0.3¢ per lb	0.3¢ per lb.

See footnotes at end of table.

PART 15—OTHER ANIMAL AND VEGETABLE PRODUCTS—Continued

[28 F.R. 8691]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart C—Animal Feeds—Continued		
		Tankage; dead fish and whales; fish and whale scrap, meal and solubles; homogenized condensed fish and whales; all the foregoing not fit for human consumption:		
	184.54	Cod-liver solubles	5% ad val	20% ad val.
	184.55	Other	Free	Free.
		Animal feeds, and ingredients therefor, not specially provided for:		
		Meat, including meat offal, not fit for human consumption:		
		Raw, whether or not chilled or frozen:		
	184.60	Horsemeat (except meat packed in immediate containers weighing with their contents less than 10 pounds each).	Free	Free.
	184.61	Other	Free	10% ad val.
A*	184.65	Prepared or preserved	4% ad val	20% ad val.
	184.70	Byproducts obtained from the milling of grains, mixed feeds, and mixed-feed ingredients.	Free	10% ad val.
	184.75	Other	7.5% ad val	20% ad val.
		Subpart D—Feathers, Downs, Bristles, and Hair		

Subpart D headnotes:

1. For the purposes of this subpart, the term *"treated"* means cleaned, disinfected, or treated for preservation.

2. (a) Except as provided in (b) and (c) of this headnote, the importation of the feathers or skin of any bird is hereby prohibited. Such prohibition shall apply to the feathers or skin of any bird—

(i) whether raw or processed;

(ii) whether the whole plumage or skin or any part of either;

(iii) whether or not attached to a whole bird or any part thereof; and

(iv) whether or not forming part of another article.

(b) Headnote 2(a) shall not apply—

(i) in respect of any of the following birds (other than any such bird which, whether or not raised in captivity, is a wild bird): chickens (including hens and roosters), turkeys, guinea fowl, geese, ducks, pigeons, ostriches, rheas, English ring-necked pheasants, and pea fowl;

(ii) to any importation for scientific or educational purposes;

(iii) to the importation of fully manufactured artificial flies used for fishing;

(iv) to the importation of birds which are classifiable under item 813.20 of schedule 8; and

(v) to the importation of live birds.

(c) Notwithstanding headnote 2(a), there may be entered in each calendar year the following quotas of skins bearing feathers:

(i) for use in the manufacture of artificial flies used for fishing: (A) not more than 5,000 skins of grey jungle fowl (*Gallus sonneratii*), and (B) not more than 1,000 skins of mandarin duck (*Dendronessa galericulata*): and

(ii) for use in the manufacture of artificial flies used for fishing, or for millinery purposes, not more than 45,000 skins, in the aggregate, of the following species of pheasant: Lady Amherst pheasant (*Chrysolophus amherstiae*), golden pheasant (*Chrysolophus pictus*), silver pheasant (*Lophura nycthemera*), Reeves pheasant (*Syrmaticus reevesii*), blue-eared pheasant (*Crossoptilon auritum*), and brown-eared pheasant (*Crossoptilon mantchuricum*).

For the purposes of these quotas, any part of a skin which has been severed shall be considered to be a whole skin.

(d) No article specified in headnote 2(c) shall be entered except under a permit issued by the Secretary of the Interior. The Secretary of the Interior shall prescribe such regulations as may be necessary to carry out the purposes and provisions of headnote 2(c) including regulations providing for equitable allocation among qualified applicants of the import quotas established by such provisions. Whenever the Secretary of the Interior finds that the wild supply of any species mentioned in headnote 2(c) is threatened with serious reduction or with extinction, he shall prescribe regulations which provide (to such extent and for such period as he deems necessary to meet such threat)—

See footnotes at end of table.

PART 15—OTHER ANIMAL AND VEGETABLE PRODUCTS—Continued

[28 F.R. 8691]

GSP	Item	Articles	Rates of Duty 1	Rates of Duty 2

Subpart D—Feathers, Downs, Bristles, and Hair—Continued

Subpart D headnotes—Continued

(i) in the case of grey jungle fowl or mandarin duck, for the reduction of the applicable import quota: or

(ii) In the case of any species of pheasant, for the reduction of the import quota established for pheasants, for the establishment of a subquota for such species of pheasant, or for the elimination of such species from the import quota for pheasants, or any combination thereof.

The authority granted to the Secretary of the Interior by the preceding sentence to reduce any import quota shall include authority to eliminate such quota.

(e) Any article of a kind the importation of which is prohibited or subjected to a quota by headnotes 2(a), (b), and (c) and which is in the United States shall be presumed for the purposes of seizure and forfeiture to have been imported in violation of law and shall be seized and forfeited under the customs laws unless such presumption is satisfactorily rebutted; except that such presumption shall not apply to articles in actual use for personal adornment or for scientific or educational purposes. Any article so forfeited may (in discretion of the Secretary of the Treasury and under such regulations as he may prescribe) (1) be placed with any agency of the Federal Government or of any State government, or any society or museum, for exhibition or scientific or educational purposes, or (2) be destroyed.

(f) Nothing in these headnotes shall be construed to repeal the provisions of the Act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, page 847), or the Act of July 3, 1918 (Fortieth Statutes at Large, page 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States. If on investigation by the collector before seizure, or before trial for forfeiture, or if at such trial if such seizure has been made, it shall be made to appear to the collector, or the prosecuting officer of the Government, as the case may be, that no illegal importation of such feathers has been made, but that the possession, acquisition or purchase of such feathers is or has been made in violation of the provisions of the Act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, page 847), or the Act of July 3, 1918 (Fortieth Statutes at large, page 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States, it shall be the duty of the collector, or such prosecuting officer, as the case may be, to report the facts to the proper officials of the United States, or State or Territory charged with the duty of enforcing such laws.

GSP	Item	Articles	Rates of Duty 1	Rates of Duty 2
		Feathers and downs, whether or not on the skin, crude, sorted (including feathers simply strung for convenience in handling or transportation), treated, or both sorted and treated, but not otherwise processed:		
A	186.10	Ostrich	5% ad val	20% ad val.
A	186.15	Other	15% ad val	20% ad val.
A	186.20	Fur, not on the skin, prepared for hatters' use, and carroted furskins.	15% ad val	35% ad val.
A	186.30	Bristles, crude, or processed in any way for use in brushes or other articles.	0.75¢ per lb	3¢ per lb.
A*	186.40	Hair, curled, whether or not coated with rubber or plastic, suitable for use in mattresses or paddings.	2% ad val	10% ad val.
		Hair, and fur removed from the skin, not specially provided for, crude, sorted, treated, dyed, or otherwise processed but not made up into articles:		
A	186.50	Human hair	4% ad val	20% ad val.
		Other:		
	186.55	Crude, sorted, treated, or both sorted and treated, but not otherwise processed.	Free	Free.
	186.60	Other	11% ad val	30% ad val.

Subpart E—Shellac and Other Lacs; Natural Gums, Gum Resins, Resins, and Balsams; Turpentine and Rosin

Subpart E headnote:

1. The provision for rosin (item 188.50) does not cover bow rosin (see part 3B of schedule 7).

See footnotes at end of table.

PART 15—OTHER ANIMAL AND VEGETABLE PRODUCTS—Continued

[28 F.R. 8691]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart E—Shellac and Other Lacs; Natural Gums, Gum Resins, Resins, and Balsams; Turpentine and Rosin—Continued		
	188.10	Shellac, stick lac, seed lac, button lac, and other lacs	Free	Free.
		Balsams, natural and not artificially mixed with other substances:		
	188.18	Copaiba	Free	10% ad val.
	188.20	Styrax	3.7% ad val	10% ad val.
	188.22	Tolu	Free	10% ad val.
	188.24	Other, not specially provided for	Free	10% ad val.
		Gums, gum resins, and resins, all the foregoing which are natural, whether crude or subjected to refining processes:		
A	188.30	Amber and amberoid	25¢ per lb	50¢ per lb.
		Chicle:		
	188.32	Crude or not processed in any manner beyond that required for proper packing.	Free	Free.
A	188.34	Other	2.5¢ per lb	5¢ per lb.
	188.36	Gum arabic	Free	0.5¢ per lb.
	188.38	Other, not specially provided for	Free	Free.
A	188.50	Turpentine, gum and spirits of, and rosin	5% ad val	5% ad val.
		Subpart F—Miscellaneous Animal Products		
		Albumen, not specially provided for:		
A	190.10	Blood, dried	5¢ per lb	12¢ per lb.
	190.15	Other	Free	Free.
	190.20	Blood, dried, whether or not the fibrinogen or fibrin has been removed.	Free	Free.
A	190.25	Catgut, whip gut, and oriental gut	17% ad val	40% ad val.
	190.30	Coral, crude	Free	Free.
	190.35	Cuttlefish bone	Free	Free.
	190.40	Eggs of fish and insects (except fish roe provided for in part 3D of this schedule).	Free	Free.
	190.45	Fish, or shellfish, live, imported to be used for purposes other than human consumption.	Free	Free.
	190.47	Fish scales, crude	Free	Free.
	190.50	Fish sounds	Free	Free.
	190.55	Hoofs and horns, crude	Free	Free.
	190.57	Hydroids, treated and dyed for ornamental use	2.5% ad val	10% ad val.
	190.58	Intestines, weasands, bladders, tendons, and integuments, not specially provided for, including any of the foregoing prepared for use as sausage casings.	Free	Free.
	190.60	Ivory tusks, crude, or cut vertically across the grain only	Free	Free.
	190.65	Marine shells, crude	Free	Free.
A	190.68	Mounted or stuffed animals and parts of animals, the product of taxidermy.	7.5% ad val	30% ad val.
	190.80	Skeletons and other preparations of anatomy	Free	Free.
		Sponges, marine:		
	190.85	Grass, velvet, or yellow	3.5% ad val	25% ad val.
	190.87	Sheepswool	6% ad val	22.5% ad val.
	190.90	Hardhead or reef	2% ad val	15% ad val.
	190.93	Other	7.5% ad val	15% ad val.
	190.94	If products of Cuba	6% ad val. (s)	
	191.10	Wormgut	Free	Free.
A	191.15	Animal substances, crude, not specially provided for	2.5% ad val	10% ad val.
		Subpart G—Miscellaneous Vegetable Products		
	192.05	Seaweeds, crude, ground, or pulverized	Free	Free.
	192.07	Carrageenin	5% ad val	20% ad val.
	192.10	Evergreen Christmas trees	Free	Free.
	192.15	Citrus juices unfit for beverage purposes	1.25¢ per lb	5¢ per lb.
	192.20	Cut flowers, fresh; bouquets, wreaths, sprays, or similar articles made from such flowers or other fresh plant parts.	10% ad val	40% ad val.
	192.22	Guar seeds	Free	Free.
		Hops, hop extract, and lupulin:		
	192.25	Hops	7.5¢ per lb	24¢ per lb.
	192.30	Hop extract	90¢ per lb	$2.40 per lb.
	192.35	Lupulin	45¢ per lb	$1.50 per lb.
		Licorice:		
	192.40	Root	Free	Free.
A	192.45	Extract	6% ad val	20% ad val.
	192.50	Peat moss	Free	50¢ per ton.
		Straws and other fibrous vegetable substances not specially provided for, crude or processed:		
	192.55	Broom corn	$10 per short ton	$20 per short ton.
	192.60	Flax straw	Free	$3 per ton.
		Istle:		
	192.65	Crude	Free	Free.
A	192.70	Processed	20% ad val.	20% ad val
	192.75	Rice straw and rice fiber	$5 per short ton	$10 per short ton.
		Other:		
	192.80	Crude	Free	Free.
A*	192.85	Processed	5% ad val	20% ad val.
	192.90	Teasels	7.5% ad val	25% ad val.

See footnotes at end of table.

PART 15—OTHER ANIMAL AND VEGETABLE PRODUCTS—Continued

[28 F.R. 8691]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart G—Miscellaneous Vegetable Products—Continued		
A	193.10	Tonka beans	6¢ per lb	25¢ per lb.
	193.15	Vanilla beans	Free	30¢ per lb.
	193.20	Wafers, not edible	Free	Free.
	193.25	Vegetable substances, crude, not specially provided for	Free	Free.

(s)=Suspended. See general headnote 3(b).

For explanation of the symbol "A" or "A" in the column marked "GSP", see general headnote 3(c).

For explanation of the asterisk "" in the Rates of Duty columns, see general headnote 3(g).

[1] Imports of certain dairy products are subject to additional import restrictions. See Appendix to Tariff Schedules.

[2] Imports of certain grains are subject to additional import restrictions. See Appendix to Tariff Schedules.

[3] Imports of certain milled grain products are subject to additional import restrictions. See Appendix to Tariff Schedules.

[4] Imports of certain nuts are subject to additional import restrictions. See Appendix to Tariff Schedules.

[5] Imports of cane and beet sugar and articles in chief value thereof are, in certain circumstances, subject to an additional import duty. See Appendix to Tariff Schedules.

[6] Imports of cane and beet sugar are subject to absolute quotas under the Sugar Act of 1948, as amended and extended (7 U.S.C. 1100 et seq.).

[7] Rates temporarily reduced by legislation. See Appendix to Tariff Schedules.

[8] Articles in chief value of cane and beet sugar are, in certain circumstances, subject to an additional import duty. See Appendix to Tariff Schedules.

[9] Imports of certain products in this subpart are subject to additional import restrictions. See Appendix to Tariff Schedules.

[10] Subtract 1.87¢ per lb. from this rate for copra entered on or before June 30, 1966. See Appendix to Tariff Schedules.

[11] Palm-nut kernels and palm nuts entered on or before June 30, 1966, are free of duty. See Appendix to Tariff Schedules.

[12] Subtract 3¢ per lb. from this rate for coconut oil entered on or before June 30, 1966. See Appendix to Tariff Schedules.

[13] Subtract 3¢ per lb. from this rate for coconut oil, palm-kernel oil or palm oil entered on or before June 30, 1966. See Appendix to Tariff Schedules.

[14] Imports of articles in chief value of cane and beet sugar are, in certain circumstances, subject to an additional import duty. See Appendix to Tariff Schedules.

[15] Free of duty if entered on or before September 5, 1966. See Appendix to Tariff Schedules.

AMENDMENTS

Subpart B, headnote 3, amended by Ex. Ord. No. 11888, Nov. 24, 1976, 40 F.R. 55276, effective Jan. 1, 1976.

Subpart B, headnote 3, amended by Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002.

Subpart B, headnote 3, amended by Pub. L. 89-241 §§ 2(a), 6(a), Oct. 7, 1965, 79 Stat. 933, 934, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Subpart C, headnote 1(a), amended by Pub. L. 89-241, §§ 2(a), 6(b), Oct. 7, 1965, 79 Stat. 933, 934, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day Oct. 7, 1965.

Item 182.70 added by Pub. L. 89-241, §§ 2(a), 7, Oct. 7, 1965, 79 Stat. 933, 934, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 182.96 and 182.98 added and item 182.95 superseded by Ex. Ord. No. 11888, Nov. 24, 1976, 40 F.R. 55276, effective Jan. 1, 1976.

Items 192.05 and 192.20 amended by Pub. L. 89-241, §§ 2(a), 8, 9, Oct. 7, 1965, 79 Stat. 933, 934, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, provided modifications in rates of duty for items 182.05, 182.10, 182.15, 182.20, 182.30, 182.32, 182.35, 182.36, 182.40, 182.45, 182.46, 182.50, 182.52, 182.55, 182.58, 182.70, 182.90, 182.95, 184.10, 184.20, 184.25, 184.30, 184.35, 184.40, 184.45, 184.47, 184.50, 184.54, 184.61, 184.65, 184.70, 184.75, 186.10, 186.15, 186.30, 186.40, 186.50, 186.60, 188.18, 188.20, 188.22, 188.24, 188.30, 188.34, 188.36, 190.10, 190.57, 190.68, 190.85, 190.87, 190.90, 191.15, 192.07, 192.25, 192.30, 192.35, 192.45, 192.50, 192.60, 192.85, 192.90, 193.10 and 193.15, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

SCHEDULE 2—WOOD AND PAPER; PRINTED MATTER [28 F.R. 8699]

Part 1—Wood and Wood Products
- A. Rough and Primary Wood Products; Wood Waste.
- B. Lumber, Flooring, and Moldings.
- C. Densified Wood and Articles Thereof.
- D. Wooden Containers.
- E. Miscellaneous Products of Wood.
- F. Articles Not Specially Provided for, of Wood.

Part 2—Cork and Cork Products; Bamboo, Rattan, Willow and Chip; Basketwork, Wickerwork, and Related Products of Fibrous Vegetable Substances.
- A. Cork and Cork Products.
- B. Bamboo, Rattan, Willow, and Chip; Basketwork, Wickerwork, and Related Products of Fibrous Vegetable Substances.

Part 3—Wood Veneers, Plywood and Other Wood-Veneer Assemblies, and Building Boards.

Part 4—Paper, Paperboard, and Products Thereof.
- A. Paper-Making Materials.
- B. Paper and Paperboard, in Rolls and Sheets, Not Cut to Size or Shape.
- C. Paper and Paperboard Cut to Size or Shape; Articles of Paper and Paperboard.
- D. Articles Not Specially Provided for of Pulp, of Papier-Maché, of Paper, or of Paperboard.

Part 5—Books, Pamphlets, and Other Printed and Manuscript Matter.

PART 1—WOOD AND WOOD PRODUCTS

[28 F.R. 8701]

GSP	Item	Articles	Rates of duty	
			1	2
		Part I headnotes: 1. For the purposes of subparts D, E, and F of this part, hardboard shall be deemed to be wood. 2. The effectiveness of the proviso to section 304(a)(3)(J) of the Tariff Act of 1930 (19 U.S.C. 1304(a)(3)(J)), to the extent permitted by that section and as provided for in Schedules XX to the General Agreement on Tariffs and Trade, is suspended, with the result that sawed lumber and sawed timbers however provided for, telephone, trolley, electric-light, and telegraph poles of wood, and bundles of shingles, other than redcedar shingles, shall not be required to be marked to indicate the country of origin.		
		Subpart A—Rough and Primary Wood Products; Wood Waste		
		Subpart A headnotes: 1. The term "wood waste", as used in this subpart, means residual material other than firewood resulting from the processing of wood, including scraps, shavings, sawdust, veneer clippings, chipper rejects and similar small wood residues, and also larger or coarser solid types of residual wood such as slabs, edgings, cull pieces, and veneer log cores. 2. The provisions for wood products in items 200.60 (poles, piles, and posts), 200.65 (laths), 200.75 (fence pickets, palings, and rails), 200.80 (railroad ties), and 200.85 (shingles and shakes) cover such products whether or not they have been treated with creosote or other wood preservatives.		
		Firewood, hogged-wood fuel and wood waste made into fuel by compression, whether or not containing an added binder:		
	200.03	Firewood, and fuel not containing an added binder	Free	Free.
A	200.06	Fuel containing an added binder	5% ad val	20% ad val.
	200.10	Wood waste	Free	Free.
	200.15	Wood chips other than waste	Free	Free.
	200.20	Wood flour	6% ad val	25% ad val.
	200.25	Wood excelsior, including excelsior pads and wrappings	8% ad val	33⅓% ad val.
	200.30	Wood charcoal, including shell and nut charcoal	Free	Free.
	200.35	Logs and timber, in the rough, split, hewn, or roughly sided or squared but not made into lumber.	Free	Free.
	200.40	Wood sticks (except bamboo and rattan sticks), in the rough, or cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.	Free	Free.
A	200.45	Brierroot, in the rough or not further advanced than cut into blocks.	1% ad val	10% ad val.
		Wood blocks, blanks, or sticks, rough shaped by boring, hewing, or sawing so as to be dedicated to finishing into specific articles such as gunstocks, lasts, heels, handles, oars, shuttles, archery bows, or billiard cues:		
	200.50	Blocks or blanks rough shaped for gunstocks	Free	Free.
	200.55	Other	Free	10% ad val.
	200.60	Wood poles, piles, and posts	Free	Free.
	200.65	Wood laths	Free	Free.
	200.75	Wood fence pickets, palings, and rails, whether or not assembled into fence sections.	Free	Free.
	200.80	Wood railroad ties (except switch or bridge ties)	Free	Free.
	200.85	Wood shingles and shakes	Free	Free.
		Wood dowel rods and pins, plain, or sanded, grooved, or otherwise advanced in condition:		
		Plain:		5% ad val.
A*	200.91	Softwood	2.5% ad val	5% ad val.
	200.93	Hardwood	Free	5% ad val.
	200.95	Advanced in condition	16⅔% ad val	33⅓% ad val.
		Subpart B—Lumber, Flooring, and Moldings		
		Subpart B headnotes: 1. This subpart covers lumber, wood siding, wood flooring, wood moldings, and certain wood carvings and ornaments, including such products when they have been drilled or treated. 2. For the purposes of this part, the following terms have the meanings hereby assigned to them: (a) *Lumber:* A product of a sawmill or sawmill and planning mill derived from a log by lengthwise sawing which, in its original sawed condition, has at least 2 approximately parallel flat longitudinal		

See footnotes at end of table.

PART 1—WOOD AND WOOD PRODUCTS—Continued

[28 F.R. 8701]

Subpart B—Lumber, Flooring, and Moldings—Continued

***Subpart B headnotes*—Continued**

sawed surfaces, and which may be rough, dressed, or worked, as set forth below:

(i) *rough lumber* is lumber just as it comes from the saw, whether in the original sawed size or edged, resawn, crosscut, or trimmed to smaller sizes;

(ii) *dressed lumber* is lumber which has been dressed or surfaced by planing on at least one edge or face; and

(iii) *worked lumber* is lumber which has been matched (provided with a tongued-and-grooved joint at the edges or ends), shiplapped (provided with a rabbeted or lapped joint at the edges), or patterned (shaped at the edges or on the faces to a patterned or molded form) on a matching machine, sticker, or molder.

Edge-glued or end-glued wood over 6 feet in length and not over 15 inches in width shall be classified as lumber if such wood as a solid piece without glue joints would be deemed to be lumber as defined above.

(b) *Softwood:* Wood from trees of coniferous species (order Coniferae).

(c) *Hardwood:* Wood from trees of non-coniferous species.

(d) *Drilled or treated:* Drilled at intervals for nails, screws, or bolts, sanded or otherwise surface processed in lieu of, or in addition to, planing or working, or treated with creosote or other wood preservatives, or with fillers, sealers, waxes, oils, stains, varnishes, paints, or enamels, but not including antistain or other temporary applications mentioned in headnote 4 of this subpart.

(e) *Standard wood moldings:* Wood moldings worked to a pattern and having the same profile in cross section throughout their length.

3. Lumber, including certain flooring provided for in this subpart, is dutiable on the basis of "board measure" for which the unit of measurement is the board foot. For the purposes of this subpart, a board foot is the quantity of lumber contained in, or derived (by drying, dressing, or working, or any combination of these processes) from, a piece of rough green lumber 1 inch in thickness, 12 inches in width, and 1 foot in length, or the equivalent of such piece in other dimensions.

4. The treatment of lumber or other products provided for in this subpart with antistain or other temporary applications which serve only for the purpose of maintaining the products in their rough, dressed, or worked condition until installation or further manufacture shall not affect their classification under any of the provisions of this subpart.

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Lumber, rough, dressed, or worked (including softwood flooring classifiable as lumber, but not including siding, molding, and hardwood flooring):		
		Softwood:		
	202.03	**Spruce (*Picea* spp.)**	**Free**	**$4 per 1,000 ft., board measure.**
		Pine (*Pinus* spp.):		
	202.06	**Eastern white pine (*Pinus strobus*) and red pine (*Pinus resonosa*).**	**Free**	**$1 per 1,000 ft., board measure.**
	202.09	**Other pine**	**Free**	**$4 per 1,000 ft., board measure.**
	202.12	**Parana pine (*Araucaria angustifolia*)**	**Free**	**$4 per 1,000 ft., board measure.**
	202.15	**Douglas fir (*Pseudotsuga menziesii*)**	**Free**	**$4 per 1,000 ft., board measure.**
	202.18	**Fir (*Abies* spp.)**	**Free**	**$4 per 1,000 ft., board measure.**
	202.21	**Hemlock (*Tsuga* spp.)**	**Free**	**$4 per 1,000 ft., board measure.**
	202.24	**Larch (*Larix* spp.)**	**Free**	**$4 per 1,000 ft., board measure.**
	202.27	**Cedar (*Thuja* supp., *Juniperus* spp., *Chamaecyparis* spp., *Cupressus* supp. and *Libocedrus* spp.).**	**Free**	**$3 per 1,000 ft., board measure.**
	202.30	**Other**	**Free**	**$3 per 1,000 ft., board measure.**

PART 1—WOOD AND WOOD PRODUCTS—Continued

[28 F.R. 8701]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Lumber, Flooring, and Moldings—Continued		
		Lumber, rough, dressed, or worked, etc.—Continued		
		Hardwood:		
		Balsa (*Ochroma lagopus*) and teak (*Tectona grandis*):		
	202.32	Rough	Free	$3 per 1,000 ft., board measure.
	202.33	Dressed or worked	Free	$3 per 1,000 ft., board measure.
	202.34	Mahogany (*Swietenia* spp. or *Khaya* spp.)	Free	$3.10 per 1,000 ft., board measure.
		Spanish cedar (*Cedrela* spp.), ebony (*Diospyros* spp.), lancewood (*Oxandra* spp.), and lignumvitae (*Guaiacum* spp.):		
	202.35	Rough	Free	15% ad val.
	202.37	Dressed or worked	Free	15% ad val.
A	202.38	Boxwood (*Buxus* spp.), Japanese maple (*Acer* spp.), and Japanese white oak (*Quercus* spp.).	1% ad vol	15% ad val.
A	202.40	Philippine mahogany (almon (*Shorea almon*), bagtikan (*Parashorea plicata*), red lauan (*Shorea negrosensis*), white lauan (*Pentacme contorta* and *P. mindanensis*), mayapis (*Shorea squamata*), tangile (*Shorea polysperma*) and tiaong (*Shorea* spp.)); meranti (*Shorea* spp.); reds eraya (*Shorea* spp.); and white seraya (*Parashorea* spp.).	75¢ per 1,000 ft., board measure.	$3 per 1,000 ft., board measure.
	202.42	Alder (*Alnus* spp.)	Free	$3 per 1,000 ft., board measure.
		ash (*Fraxinus* spp.), aspen and cottonwood (*Populus* spp.), basswood (*Tilia* spp.), beech (*Fagus* spp.), birch (*Betula* spp.), black or tupelo gum (*Nyssa* spp.), buckeye (*Aesculus* spp.), cherry (*Prunus* spp.), elm (*Ulmus* spp.), eucalyptus (*Eucalyptus* spp.), hickory (*Carya* spp.), magnolia (*Magnolia* spp.), maple (*Acer* spp.), oak (*Quercus* spp.), sen (*Kalopanax* spp.), sweet (red or sap) gum (*Liquidambar* spp.), sycamore (*Platanus* spp.), walnut (*Juglans* spp.), willow (*Salix* spp.), and yellow poplar (*Liriodendron* spp.)		
		Other:		
	202.44	Rough	Free	$3 per 1,000 ft., board measure.
	202.46	Dressed or worked	Free	$3 per 1,000 ft., board measure.
		Wood siding (weatherboards or clapboards), not drilled or treated:		
	202.47	Resawn bevel siding	Free	$2 per 1,000 sq. ft., surface measure.
		Other:		
	202.48	Western redcedar (*Thuja plicata*)	Free	$3 per 1,000 sq. ft., surface measure.
	202.50	Other	Free	$4 per 1,000 sq. ft., surface measure.
		Lumber and wood siding, drilled or treated; and edge-glued or end-glued wood not over 6 feet in length or over 15 inches in width, whether or not drilled or treated:		
	202.52	Softwood lumber and siding, drilled, or pressure treated with creosote or other wood preservative, or both, but not otherwise treated.	Free	10% ad val.
	202.53	Hardwood, edge-glued or end-glued, not drilled or treated.	Free	10% ad val.
A	202.54	Other	5% ad val	20% ad val.
		Wood flooring, whether in strips, planks, blocks, assembled sections or units, or other forms, and whether or not drilled or treated (except softwood flooring classifiable as lumber):		
		Hardwood flooring in strips and planks, whether or not drilled or treated:		
A	202.56	Oak (*Quercus* spp.)	4% ad val	8% ad val.
	202.58	Other	Free	8% ad val.
	202.60	Other	8% ad val	33⅓% ad val.

PART 1—WOOD AND WOOD PRODUCTS—Continued

[28 F.R. 8701]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Lumber, Flooring, and Moldings—Continued		
		Wood moldings, and wood carvings and ornaments suitable for architectural or furniture decoration, whether or not drilled or treated:		
		Standard wood moldings, not drilled or treated:		
A*	202.62	Pine (*Pinus* spp.)	1.5% ad val	5% ad val.
	202.64	Other	Free	5% ad val.
A	202.66	Other	8.5% ad val	40% ad val.
		Subpart C—Densified Wood and Articles Thereof		
		Compression-modified or densified wood, whether or not impregnated with synthetic resin, and articles of such wood:		
A	203.10	Blocks, plates, sheets and strips	10% ad val	50% ad val.
A*	203.20	Tool handles including knife, fork, and spoon handles, and backs for brooms, mops, and brushes..	10.5¢ per lb.+8.5% ad val	50¢ per lb.+40% ad val.
A	203.30	Other	10.5¢ per lb.+8.5% ad val	50¢ per lb.+40% ad val.
		Subpart D—Wooden Containers		
		Subpart D headnotes:		
		1. The provisions of this subpart do not cover—		
		(i) luggage, handbags, or flat goods (see part 1D of schedule 7);		
		(ii) furniture (see part 4A of schedule 7);		
		(iii) cases for musical instruments (see part 3B of schedule 7);		
		(iv) cases or containers imported and classifiable with articles provided for in part 3E of schedule 6 or in part 2 of schedule 7; or		
		(v) cases suitable for pipes or for cigar or cigarette holders (see part 9B of schedule 7).		
A	204.05	Baskets, of wood	17% ad val	50% ad val.
		Casks, barrels, hogsheads, other coopers' products, and parts thereof, all the foregoing of wood:		
A	204.10	Casks, barrels, and hogsheads	3.5% ad val	15% ad val.
	204.15	Staves and hoops; tight barrelheads of softwood	Free	Free.
A	204.20	Other	8% ad val	33⅓% ad val.
		Complete packing boxes, cases, and crates, and other containers and holders chiefly used for packing, transporting, or marketing merchandise, all the foregoing (except baskets and coopers' products) of wood, whether wholly or partly assembled or not assembled:		
	204.25	Packing boxes and cases with solid sides, lids, and bottoms.	Free	15% ad val.
	204.27	Containers designed for use in the harvesting of fruits and vegetables.	Free	Free.
A	204.30	Other	16⅔% ad val	33⅓% ad val.
		Jewelry boxes, silverware chests, cigar and cigarette boxes, microscope cases, tool or utensil cases, and similar boxes, cases, and chests, all the foregoing of wood:		
A	204.35	Cigar and cigarette boxes	7.5% ad val	60% ad val.
		Other:		
	204.40	Not lined with textile fabrics	16⅔% ad val	3⅓% ad val.
	204.50	Lined with textile fabrics	2¢ per lb.+4% ad val	5¢ per lb.+20% ad val.
		Subpart E—Miscellaneous Products of Wood		
A	206.30	Wood doors with or without their hardware	7.5% ad val	33⅓% ad val.
		Forks and spoons, of wood:		
	206.45	Of mahogany (*Swietenia* spp. or *Khaya* spp.)	7% ad val	33⅓% ad val.
A*	206.47	Other	8.5% ad val	33⅓% ad val.
		Tools: tool bodies; tool handles, including knife, fork, and spoon handles; handles and backs for brooms, mops, and brushes; all the foregoing of wood:		
A	206.50	Broom and mop handles, ¾ inch or more in diameter and 38 inches or more in length.	4% ad val	33⅓% ad val.
A	206.52	Paint brush and paint roller handles	4% ad val	33⅓% ad val.
A	206.53	Brush backs	6.5% ad val	33⅓% ad val.
A	206.54	Other	8% ad val	33⅓% ad val.
A*	206.60	Picture and mirror frames, of wood	6% ad val	33⅓% ad val.
		Wood blinds, shutters, screens, and shades, all the foregoing, with or without their hardware:		
	206.65	Consisting of wooden frames in the center of which are fixed louver boards or slats, with or without their hardware.	16⅔% ad val	33⅓% ad val.
	206.67	Other	20% ad val	50% ad val.
		Toothpicks, skewers, candy sticks, ice cream sticks, tongue depressors, drink mixers, and similar small wares, all the foregoing of wood:		
	206.85	Toothpicks	6% ad val	25% ad val.
	206.87	Other	8% ad val	33⅓% ad val.

See footnotes at end of table.

PART 1—WOOD AND WOOD PRODUCTS—Continued

[28 F.R. 8701]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Miscellaneous Products of Wood—Continued		
		Household utensils and parts thereof, all the foregoing not specially provided for, of wood:		
	206.95	Of mahogany (*Swietenia* spp. or *Khaya* spp.)	14% ad val	33⅓% ad val.
		Other:		
	206.96	Coat and garment hangers	8% ad val	33⅓% ad val.
A*	206.98	Other	8% ad val	33⅓% ad val
		Subpart F—Articles Not Specially Provided for, of Wood		
		Subpart F headnote: 1. This subpart covers all products of wood which are not provided for elsewhere in the tariff schedules.		
A	207.00	Articles not specially provided for, of wood	8% ad val	33⅓% ad val.
	207.01	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

AMENDMENTS

Item 204.27 added by Pub. L. 89-241, §§ 2(a), 10(a), Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 204.50 amended by Pub. L. 89-241, §§ 2(a), 11(a), Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 206.96 and 206.98 added, and item 206.97 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 207.01 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

PROC. NO. 3694. TRADE AGREEMENT WITH CANADA PROVIDING COMPENSATORY CONCESSIONS

Proc. No. 3694, Dec. 27, 1965, 30 F.R. 17147, provided:

1. WHEREAS, pursuant to Section 350 of the Tariff Act of 1930 [section 1351 of this title], the President, on October 30, 1947, entered into, and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), proclaimed, the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"), including a schedule of United States concessions, designated as Schedule XX, annexed thereto (61 Stat. (pt. 5) A1157), which Agreement, schedule, and proclamation have been supplemented by subsequent agreements, schedules, and proclamations;

2. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73) [set out as a note preceding this section], the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 2761A and proclamations supplementary thereto insofar as they relate to Schedule XX to the General Agreement;

3. WHEREAS, pursuant to Sections 221 and 224 of the Trade Expansion Act of 1962 (19 U.S.C. 1841 and 1844), the President, on October 21, 1963, published and furnished to the Tariff Commission lists of articles which may be considered for modification or continuance of duties or other import restrictions, or continuance of duty-free or excise treatment, in the negotiation of trade agreements, including the trade agreement with Canada identified in the eighth recital of this proclamation, compensating other nations for modifications or withdrawals of United States trade agreements concessions (48 CFR Part 180), and the Tariff Commission, after holding public hearings, has advised the President with respect to each such articles of its judgment as to the probable economic effect of such modifications;

4. WHEREAS, pursuant to Sections 223 and 224 of the Trade Expansion Act of 1962 (19 U.S.C. 1843 and 1844) and in accordance with Section 3(g) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(g)), the Special Representative for Trade Negotiations, appointed by the President pursuant to Section 241(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(a)), on April 23, 1963, designated the Trade Information Committee to afford an opportunity, through public hearings and other means, for any interested person to present his views concerning any article on the lists identified in the third recital of this proclamation or any other matter relevant to the trade agreement negotiations, including the negotiation of the trade agreement with Canada identified in the eighth recital of this proclamation (48 CFR Part 202), and the Trade Information Committee has furnished the President with a summary of its hearings;

5. WHEREAS, pursuant to Section 222 of the Trade Expansion Act of 1962 (19 U.S.C. 1842), the President has received information and advice with respect to the trade agreement with Canada identified in the eighth recital of this proclamation, from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State, and the Treasury, and from such other sources as the President has deemed appropriate, and, pursuant to Section 241(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(b)), the Special Representative for Trade Negotiations has received information and advice with respect to that agreement from representatives of industry, agriculture, and labor, and from such agencies as he has deemed appropriate;

6. WHEREAS, pursuant to Section 201(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(1)), the Special Representative for Trade Negotiations has conducted negotiations on behalf of the President with Canada and other contracting parties to the General Agreement, in accordance with Article XXVIII of that Agreement (8 U.S.T. (pt. 2) 1790), with a view to the establishment of a new consolidated Schedule XX to that Agreement in terms of the Tariff Schedules of the United States;

7. WHEREAS, pursuant to Section 201(a) of the Trade Expansion Act of 1962, the President has determined that certain existing duties or other import restrictions of the United States or of foreign countries which are contracting parties to the General Agreement, were unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes stated in Section 102 of the Trade Expansion Act of 1962 (19 U.S.C. 1801) would be promoted by entering into the trade agreement with Canada identified in the eighth recital of this proclamation;

8. **Whereas**, pursuant to Section 201(a)(1) of the Trade Expansion Act of 1962, I, through my duly empowered representative, on December 17, 1965, entered into a trade agreement with Canada entitled the "Interim Agreement Between the United States and Canada Relating to the Renegotiation of Schedule XX (United States) to the General Agreement on Tariffs and Trade" (a copy of which is Appendix A to this proclamation), which embodies the results of the negotiations with Canada as part of the negotiations under Article XXVIII of that Agreement for the establishment of a new consolidated Schedule XX thereto in terms of the Tariff Schedules of the United States;

9. **Whereas** the trade agreement with Canada identified in the eighth recital of this proclamation, which is an agreement supplementary to the General Agreement, contains in annex II a schedule of new concessions, to take effect on January 1, 1966, in compensation for the impairment, arising out of the entry into force of the Tariff Schedules of the United States, of the rights of Canada in concessions in Schedule XX to the General Agreement, and provides that such new concessions shall be applied as if they were included in a Schedule XX to the General Agreement pending the formal effectiveness of a new consolidated Schedule XX;

10. **Whereas**, pursuant to Section 254 of the Trade Expansion Act of 1962 (19 U.S.C. 1884), I have determined that, in the case of those modifications of existing duties proclaimed in this proclamation which reflect decreases in duties exceeding the limitations specified in Section 201(b)(1) or 253 of the Trade Expansion Act of 1962 (19 U.S.C. 1821(b)(1) or 1883), such decreases will simplify the computation of the amount of duty imposed with respect to the articles concerned;

11. **Whereas**, pursuant to Section 256(7) of the Trade Expansion Act of 1962 (19 U.S.C. 1886(7)) and Section 5(a) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.5(a)), the Tariff Commission has taken the requisite steps in determining the ad valorem equivalent of a specific rate of duty (or of a combination of rates including a specific rate) in the case of each modification of an existing duty proclaimed in this proclamation for which such a determination was relevant; and

12. **Whereas**, pursuant to Section 201(a)(2) of the Trade Expansion Act of 1962, I determine that the modification or continuance of existing duties or other import restrictions, and the continuance of existing duty-free or excise treatment, provided for in the schedule in annex II to the trade agreement with Canada identified in the eighth recital of this proclamation, will be required or appropriate to carry out such trade agreement on and after January 1, 1966, and that the Tariff Schedules of the United States should be appropriately modified to reflect the concessions contained in such schedule:

Now, **Therefore**, I **Lyndon B. Johnson**, acting under the authority vested in me by the Constitution and the statutes, including Section 201(a)(2) of the Trade Expansion Act of 1962, do proclaim that:

(1) Subject to the applicable provisions of the trade agreement with Canada identified in the eighth recital of this proclamation and of the General Agreement and other agreements supplementary thereto, the modification or continuance of existing duties or other import restrictions, and the continuance of existing duty-free or excise treatment, provided for in the schedule in annex II to such agreement with Canada shall be effective on and after January 1, 1966, and, as a result thereof,

(2) The Tariff Schedules of the United States shall be modified effective on and after January 1, 1966, as provided for in Appendix B to this proclamation.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this 27th day of December in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

Lyndon B. Johnson.

APPENDIX A

INTERIM AGREEMENT BETWEEN THE UNITED STATES AND CANADA RELATING TO THE RENEGOTIATION OF SCHEDULE XX (UNITED STATES) TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Note: Text of this Appendix A is filed as part of the original document. Annex II thereto reads as follows:

ANNEX II

GENERAL AGREEMENT ON TARIFFS AND TRADE

Article XXVIII Renegotiations of Schedule XX

UNITED STATES COMPENSATORY CONCESSIONS TO CANADA GENERAL NOTES

1. The provisions of this Schedule are subject to the pertinent notes appearing at the end of Schedule XX (Geneva—1947) annexed to the General Agreement on Tariffs and Trade, as authenticated at Geneva on October 30, 1947.

2. The bracketed language in the description column of this Schedule has been inserted only in order to clarify the scope of the numbered concession items, and such language is not itself intended to describe articles on which concessions have been granted.

8. For the purpose of apply the one-year intervals provided for in the rate columns in this schedule:

(a) The rate of duty specified in any rate column relating to an item shall be considered as being in effect even though there is being applied to an article provided for under such item either no duty or a lower rate of duty; and

(b) There shall be excluded any time during which a rate of duty higher than that specified in a rate column relating to an item is being applied to an article provided for under such item.

ANNEX II—COMPENSATORY CONCESSIONS

TSUS item	Description	Rates of duty, effective January 1—				
		1966	1967[1]	1968[1]	1969[1]	1970[1]
	Lumber and wood siding, drilled or treated; and edge-glued or end-glued wood not over 6 feet in length or over 15 inches in width, whether or not drilled or treated:					
	[Softwood lumber and siding, drilled, or pressure treated with creosote or other wood preservative, or both, but not otherwise treated.]					
	[Hardwood, edge-glued or end-glued, not drilled or treated.]					
202.54	Other	9% ad val	8% ad val	7% ad val	6% ad val	5% ad val.

See footnotes at end of Annex II.

ANNEX II—COMPENSATORY CONCESSIONS—Continued

TSUS item	Description	Rates of duty, effective January 1—				
		1966	1967[1]	1968[1]	1969[1]	1970[1]
	Hardboard, whether or not face finished:					
	[Not face finished; and oil treated, whether or not regarded as tempered, but not otherwise face finished.]					
245.30	Other	28% ad val	26% ad val	24% ad val	22% ad val	20% ad val.
	Building boards not specially provided, whether or not face finished:					
	[Laminated boards bonded in whole or in part, or impregnated, with synthetic resins.]					
245.90	Other boards of vegetable fibers (including wood fibers).	4% ad val	4% ad val	3% ad val	3% ad val	2.5% ad val.
	Crepe paper, including paper creped or partly creped in any manner:					
	[Creped as a secondary converting process after paper has been made]					
253.20	Other	1.35¢ lb.+3% ad val.	1.2¢ lb.+3% ad val.	1.05¢ lb.+3% ad val.	0.9¢ lb.+2% ad val.	0.75¢ lb.+2% ad val.
	Iron compounds:					
	[Sulfide (pyrites).]					
	[Sulfate (ferrous) (copperas).]					
418.94	Other	8% ad val	8% ad val	7% ad val	6% ad val	5% ad val.
	Nickel compounds:					
	[Chloride.]					
	[Oxide.]					
	[Sulfate.]					
419.76	Other	9% ad val	8% ad val	7% ad val	6% ad val	5% ad val.
	Selenium compounds:					
	[Dioxide.]					
	[Salts.]					
420.54	Other	9% ad val	8% ad val	7% ad val	6% ad val	8% ad val.
	Stone chips and spalls, and stone, crushed (otherwise than merely to facilitate shipment to the United States) or ground:					
	Limestone	18¢ short ton	16¢ short ton	14¢ short ton	12¢ short ton	10¢ short ton.
	Ferroalloys:					
	Ferrosilicon:					
607.50	Containing over 8 percent but not over 60 percent by weight of silicon.	0.76¢ lb. on silicon content.	0.72¢ lb. on silicon content.	0.68¢ lb. on silicon content.	0.64¢ lb. on silicon content.	0.6¢ lb. on silicon content.
607.51	Containing over 60 percent but not over 80 percent by weight of silicon.	0.92¢ lb. on silicon content.	0.84¢ lb. on silicon content.	0.76¢ lb. on silicon content.	0.68¢ lb. on silicon content.	0.6¢ lb. on silicon content.
	Locks and padlocks (whether key, combination, or electrically operated), luggage frames incorporating locks, all the foregoing, and parts thereof, of base metal; lock keys:					
	[Padlocks.]					
	[Cabinet locks.]					
	[Luggage locks, and parts thereof, and luggage frames incorporating locks.]					
646.92	Other	18% ad val	17% ad val	17% ad val	16% ad val	15% ad val.
	Hangars and other buildings, bridges, bridge sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, door and window frames, shutters, balustrades columns, pillars, and posts, and other structures and parts of structures, all the foregoing of base metal:					
	[Of iron or steel:]					
	[Door and window frames.]					
	[Columns, pillars, posts, beams, girders, and similar structural units.]					
652.98	Other	17% ad val	15% ad val	13% ad val	11% ad val	9.5% ad val.
660.10	Steam and other vapor generating boilers (except central heating hot water boilers capable also of producing low pressure steam), and parts thereof.	13% ad val	13% ad val	12% ad val	12% ad val	11% ad val.
	Producer gas and water gas generators, with or without purifiers; acetylene gas generators (water process) and other gas generators, with or without purifiers; all the foregoing and parts thereof:					
	[Apparatus for the generation of acetylene gas from calcium carbide, and parts thereof.]					
660.22	Other	13% ad val	13% ad val	12% ad val	12% ad val	11% ad val.
661.20	Air-conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity of air, and parts thereof.	11% ad val	11% ad val	10% ad val	10% ad val	9.5% ad val.
	Parts of the foregoing machines [i.e., machines for making cellulosic pulp, paper, or paperboard; machines for processing or finishing pulp, paper, or paperboard, or making them up into articles]:					

See footnotes at end of Annex II.

ANNEX II—COMPENSATORY CONCESSIONS—Continued

TSUS item	Description	Rates of duty, effective January 1—				
		1966	1967[1]	1968[1]	1969[1]	1970[1]
668.04	Bed plates, roll bars, and other stock-treating parts for pulp or paper machines.	12% ad val.....	11% ad val.....	10% ad val.....	8% ad val.......	7% ad val.
	Taps, cocks, valves, and similar devices, however operated, used to control the flow of liquids, gases, or solids, all the foregoing and parts thereof:					
	Hand-operated and check, and parts thereof:					
	[Of copper.]					
680.22	Other............	20% ad val.....	18% ad val.....	16% ad val.....	13% ad val.....	11% ad val.
	Gear boxes and other speed changers with fixed, multiple, or variable ratios; pulleys, pillow blocks, and shaft couplings; torque converters; chain sprockets; clutches; and universal joints; all the foregoing (except parts of agricultural or horticultural machinery and implements provided for in item 666.00 and parts of motor vehicles, aircraft, and bicycles) and parts thereof:					
680.50	Pulleys, pillow blocks, shaft couplings, and parts thereof.	17% ad val.....	15% ad val.....	13% ad val.....	11% ad val.....	9.5% ad val.
680.54	Chain sprockets, clutches, universal joints, and parts thereof.	17% ad val.....	15% ad val.....	13% ad val.....	11% ad val.....	9.5% ad val.
	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and television cameras; record players, phonographs, tape recorders, dictation recording and transcribing machines, record changers, and tone arms; all of the foregoing, and any combination thereof, whether or not incorporating clocks or other timing apparatus, and parts thereof:					
	[Television cameras, and parts thereof.]					
	[Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and parts thereof.]					
	[Radio-phonograph combinations.]					
	[Record players, phonographs, record changers, turntables, and tone arms, and parts of the foregoing.]					
	[Tape recorders and dictation recording and transcribing machines, and parts thereof.]					
	Other:[3]					
685.42	Radio-television phonograph combinations.	14% ad val.....	13% ad val.....	12% ad val.....	11% ad val.....	
					10% ad val.....	
692.60	Vehicles (including trailers), not self-propelled, not specially provided for, and parts thereof.	14% ad val.....	13% ad val.....	11% ad val.....	10% ad val.....	8% ad val.
	Aircraft and spacecraft, and parts thereof:					
	[Balloons and airships.]					
	[Gliders.]					
	[Kites, and parts thereof.]					
	[Airplanes.]					
	[Spacecraft.]					
694.60	Other parts............	9% ad val......	9% ad val......	8% ad val......	8% ad val......	7.5% ad val.
734.20	Game machines, including coin or disc operated game machines and including games having mechanical controls for manipulating the action, and parts thereof.	11% ad val.....	10% ad val.....	10% ad val.....	9% ad val......	9% ad val.

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[1] Subject to General Note 3(b) to this Schedule.

[2] Existing TSUS item 685.50.

[3] New item carved out of existing TSUS item 685.50.

APPENDIX B

MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES RESULTING FROM THE PROCLAMATION OF THE INTERIM AGREEMENT BETWEEN THE UNITED STATES AND CANADA RELATING TO THE RENEGOTIATION OF SCHEDULE XX (UNITED STATES) TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE, SIGNED DECEMBER 17, 1965

1. Item 685.50 of the Tariff Schedules of the United States shall be superseded by the following, the article descriptions therein being subordinate to the primary superior article description immediately preceding item 685.10, and the first five rate columns being sub-columns of rate column 1:

2. The rate in column 1 in each item of the Tariff Schedules of the United States having the same number as an item in the schedule in annex II to the agreement with Canada, other than the item numbers set forth in the modification made by paragraph 1 of this appendix, shall be superseded by the rates in the rate-of-duty columns in such schedule, set forth in five sub-columns of rate column 1, the first four such sub-columns being subject to the general heading "If entered during calendar year —" and to individual sub-column headings "1966", "1967", "1968", and "1969", respectively, and the fifth such sub-column being subject to the single heading "If entered after calendar year 1969".

		If entered during calendar year—				If entered after calendar year 1969	
		1966	1967	1968	1969		
	Other:						
685.42	Radio-television-phonograph combinations.	14% ad val.	13% ad val.	12% ad val.	11% ad val.	10% ad val.	35% ad val.
685.50	Other	15% ad val.					35% ad val.

Termination of Proc. No. 3694 by Proc. No. 3818, set out as a note following Part 2 of this Schedule, to the extent it provides, on and after July 1, 1967, for any item in the Tariff Schedules identified in the annex to Proc. No. 3818, a rate of duty lower than the rate set forth opposite thereto in the annex.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 200.06, 200.20, 200.25, 200.45, 200.55, 200.93, 202.03, 202.06, 202.09, 202.12, 202.15, 202.18, 202.21, 202.24, 202.27, 202.30, 202.32, 202.33, 202.34, 202.35, 202.37, 202.38, 202.40, 202.42, 202.44, 202.46, 202.47, 202.48, 202.50, 202.52, 202.53, 202.58, 202.60, 202.64, 202.66, 203.10, 203.20, 203.30, 204.05, 204.10, 204.20, 204.25, 204.35, 204.50, 206.30, 206.45, 206.47, 206.50, 206.52, 206.53, 206.54, 206.60, 206.67, 206.85, 206.87, 206.97 and 207.00, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 2—CORK AND CORK PRODUCTS; BAMBOO, RATTAN, WILLOW AND CHIP; BASKETWORK, WICKERWORK, AND RELATED PRODUCTS OF FIBROUS VEGETABLE SUBSTANCES

[28 F.R. 8707]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Cork and Cork Products		
		Subpart A headnote: 1. For the purposes of the tariff schedules— (a) the term "cork" embraces natural cork, compressed cork, and composition cork; (b) the term "compressed cork" means forms molded under heat and compression from cork particles without the addition of other materials; and (c) the term "composition cork" means forms molded from cork particles to which a binding material such as glue, gelatin, or synthetic resin has been added.		
	220.05	Natural cork not manufactured, and cork waste, shavings, and refuse of all kinds.	Free	Free.
		Cork, granulated or ground:		
A*	220.10	Weighing not over 6 pounds per cubic foot uncompressed, except regranulated cork.	1.5¢ per lb	3¢ per lb.
A*	220.15	Other	0.5¢ per lb	1¢ per lb.
A*	220.20	Natural and composition cork, not further advanced than cut or molded into blocks, rods, sheets, slabs, sticks, strips and similar shapes.	4¢ per lb	10¢ per lb.
A*	220.25	Vulcanized sheets and slabs wholly of ground or pulverized cork and rubber.	5% ad val	25% ad val.
		Insulation, coated or not coated, of compressed cork:		
	220.30	In boards, blocks, or slabs	Free[1]	Free.[1]
A	220.31	Fitting covers, lags, and pipe coverings	2.5¢ per lb	5¢ per lb.
		Disks, wafers, washers, and stoppers, all the foregoing, of cork:		
		Tapered and of a thickness (or length) greater than the maximum diameter:		
A*	220.35	Hollow or perforated	30¢ per lb	75¢ per lb.
		Not hollow and not perforated:		
		With maximum diameter not over 0.75 inch:		
A	220.36	Stoppers wholly of cork	12¢ per lb	31¢ per lb.
A*	220.37	Other	12¢ per lb	31¢ per lb.
		With maximum diameter over 0.75 inch:		
A	220.39	Stoppers wholly of cork	10¢ per lb	25¢ per lb.
A*	220.41	Other	10¢ per lb	25¢ per lb.
		Other:		
A	220.47	Stoppers wholly of cork of a thickness (or length) greater than the maximum diameter.	10¢ per lb	25¢ per lb
A*	220.48	Other	10¢ per lb.	25¢ per lb.
	220.49	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, Schedule 6).	Free	
A*	220.50	Articles not specially provided for, of cork	18% ad val	45% ad val.
		Subpart B—Bamboo, Rattan, Willow, and Chip; Basketwork, and Related Products of Fibrous Vegetable Substances		
		Subpart B headnotes: 1. This subpart does not cover— (i) webs, wadding, batting, and nonwoven fabrics, and articles thereof (see part 4C of schedule 3); (ii) floor covering underlays (see part 5A of schedule 3);		

See footnotes at end of table.

PART 2—CORK AND CORK PRODUCTS; BAMBOO, RATTAN, WILLOW AND CHIP; BASKETWORK, WICKERWORK, AND RELATED PRODUCTS OF FIBROUS VEGETABLE SUBSTANCES—Continued

[28 F.R. 8707]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Bamboo, Rattan, Willow, and Chip; Basketwork, and Related Products of Fibrous Vegetable Substances—Continued		
		Subpart B headnotes—Continued		
		(iii) braids suitable for making or ornamenting headwear (see part 1B of schedule 7); (iv) luggage, handbags, and flat goods (see part 1D of schedule 7); (v) furniture (see part 4A of schedule 7); or (vi) fishing baskets or creels (see part 5B of schedule 7).		
		2. For the purposes of the tariff schedules— (a) the unqualified term "rattan" means rattan, whether whole or split, and reeds, cane (peel), strips and similar products derived therefrom; (b) the term "willow" means the flexible slender twigs or withes of the osier or willow, whether or not split; and (c) the term "chip" means flat, narrow, flexible strips of wood which are under 1/16 inch in thickness and can be woven, braided, or plaited into a definite shape or form; and (d) the term "unspun fibrous vegetable materials" means bamboo, rattan, willow, chip, straw, palm leaf, grass, seagrass, and similar fibrous vegetable substances, which have not been spun.		
		3. For the purposes of this subpart, materials other than unspun fibrous vegetable materials shall be disregarded in determining the component material of chief value in any article if their primary function in the article is to bind, tie, or otherwise hold unspun fibrous vegetable materials together, or to support or reinforce such materials.		
	222.05	Bamboo or rattan sticks, in the rough, or cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.	Free	Free.
A*	222.10	Rattan (except whole rattan) and webbing made therefrom.	4% ad val	20% ad val.
	222.15	Split bamboo	Free	1.25¢ per lb.
		Willow:		
	222.20	Prepared for basket makers' use	8.5% ad val	35% ad val.
	222.25	Other	2.5% ad val	10% ad val.
	222.28	Chip and chip roping	Free	Free.
		Woven or partly assembled material of unspun fibrous vegetable materials, suitable for use in making blinds, shutters, curtains, screens or shades:		
A	222.30	Of one or more of the materials bamboo, rattan, or willow.	14% ad val	45% ad val.
	222.32	Of chip	12.5% ad val	25% ad val.
A*	222.34	Of raffia	5% ad val	25% ad val.
A	222.36	Other	5% ad val	25% ad val.
		Baskets and bags, of unspun fibrous vegetable materials, whether lined or not lined:		
A	222.40	Of bamboo	25% ad val	50% ad val.
A	222.41	Of willow	10% ad val	50% ad val.
A	222.42	Of rattan or of palm leaf	25% ad val	50% ad val.
A	222.44	Other	8.5% ad val	50% ad val.
	222.50	Blinds, shutters, curtains, screens, and shades, all the foregoing, of unspun fibrous vegetable materials, with or without their hardware.	20% ad val	50% ad val.
		Floor coverings, of unspun fibrous vegetable materials:		
A	222.55	Of common China, India, or Japan straw	3% ad val	16% ad val.
A	222.57	Other	8% ad val	40% ad val.
		Articles not specially provided for, of unspun fibrous vegetable materials:		
A	222.60	Of one or more of the materials bamboo, rattan, willow, or chip.	12.5% ad val	45% ad val.
A*	222.62	Of raffia	4% ad val	25% ad val.
A	222.64	Other	5% ad val	25% ad val.

See footnotes at end of table.

AMENDMENTS

Item 220.25 added by Pub. L. 89-241, §§ 2(a), 12(a), Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 220.30 amended by Pub. L. 89-431, §§ 1(a), 2, May 26, 1966, 80 Stat. 168, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after May 26, 1966.

Items 220.36, 220.37, 220.39, 220.41, 220.47, 220.48 and 220.49 added, and 220.38, 220.40, 220.45 and 220.46 deleted by Ex. Ord. No. 11934, Aug. 30, 1976, 41 F.R. 37084, effective with respect to articles both: Imported on or after Jan. 1, 1976, and entered for consumption, or withdrawn from warehouse for consumption, on or after Oct. 1, 1976.

Item 220.46 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Proc. No. 3712. Trade Agreement With United Kingdom Providing Compensatory Concessions

Proc. No. 3712, Apr. 5, 1966, 31 F.R. 5543, provided:

1. Whereas, pursuant to Section 350 of the Tariff Act of 1930 [section 1351 of this title]; the President, on October 30, 1947, entered into, and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), proclaimed, the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"), including a schedule of United States concessions, designated as Schedule XX, annexed thereto (61 Stat. (pt. 5) A1157), which Agreement, schedule, and proclamation have been supplemented by subsequent agreements, schedules, and proclamations;

2. Whereas, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73) [set out as a note preceding this section], the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 2761A and proclamations supplementary thereto insofar as they relate to Schedule XX to the General Agreement;

3. Whereas, pursuant to Sections 221 and 224 of the Trade Expansion Act of 1962 (19 U.S.C. 1841 and 1844), the President, on October 21, 1963, published and furnished to the Tariff Commission lists of articles which may be considered for modification or continuance of duties or other import restrictions, or continuance of duty-free or excise treatment, in the negotiation of trade agreements, including the trade agreement with the United Kingdom identified in the eighth recital of this proclamation, compensating other nations for modifications or withdrawals of United States trade agreement concessions (48 CFR Part 180), and the Tariff Commission, after holding public hearings, has advised the President with respect to each such article of its judgment as to the probable economic effect of such modifications;

4. Whereas, pursuant to Sections 223 and 224 of the Trade Expansion Act of 1962 (19 U.S.C. 1843 and 1844) and in accordance with Section 3(g) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(g)), the Special Representative for Trade Negotiations, appointed by the President pursuant to Section 241(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(a)), on April 23, 1963, designated the Trade Information Committee to afford an opportunity, through public hearings and other means, for any interested person to present his views concerning any article on the lists identified in the third recital of this proclamation or any other matter relevant to the trade agreement negotiations, including the negotiation of the trade agreement with the United Kingdom identified in the eighth recital of this proclamation (48 CFR Part 202), and the Trade Information Committee has furnished the President with a summary of its hearings;

5. Whereas, pursuant to Section 222 of the Trade Expansion Act of 1962 (19 U.S.C. 1842), the President has received information and advice with respect to the trade agreement with the United Kingdom identified in the eighth recital of this proclamation, from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State, and the Treasury, and from such other sources as the President has deemed appropriate, and, pursuant to Section 241(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(b)), the Special Representative for Trade Negotiations has received information and advice with respect to that agreement from representatives of industry, agriculture, and labor, and from such agencies as he has deemed appropriate;

6. Whereas, pursuant to Section 201(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(1)), the Special Representative for Trade Negotiations has conducted negotiations on behalf of the President with the United Kingdom and other contracting parties to the General Agreement, in accordance with Article XXVIII of that Agreement (8 U.S.T. (pt. 2) 1790), with a view to the establishment of a new consolidated Schedule XX to that Agreement in terms of the Tariff Schedules of the United States;

7. Whereas, pursuant to Section 201(a) of the Trade Expansion Act of 1962, the President has determined that certain existing duties or other import restrictions of the United States or of foreign countries which are contracting parties to the General Agreement, were unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes stated in Section 102 of the Trade Expansion Act of 1962 (19 U.S.C. 1801) would be promoted by entering into the trade agreement with the United Kingdom identified in the eighth recital of this proclamation;

8. Whereas, pursuant to Section 201(a)(1) of the Trade Expansion Act of 1962, I, through my duly empowered representative, have entered into a trade agreement with the United Kingdom entitled the "Interim Agreement Between the United States and the United Kingdom Relating to the Renegotiation of Schedule XX (United States) to the General Agreement on Tariffs and Trade" (a copy of which is Appendix B to this proclamation), which embodies the results of the negotiations with the United Kingdom as part of the negotiations under Article XXVIII of the General Agreement for the establishment of a new consolidated Schedule XX thereto in terms of the Tariff Schedules of the United States;

9. Whereas, the trade agreement with the United Kingdom identified in the eighth recital of this proclamation, which is an agreement supplementary to the General Agreement, contains in annex II a schedule of concessions, to take effect as provided therein, in compensation for the impairment, arising out of the entry into force of the Tariff Schedules of the United States, of the rights of the United Kingdom in concessions in Schedule XX to the General Agreement, and provides that such concessions shall be applied as if they were included in a Schedule XX to the General Agreement pending the formal effectiveness of a new consolidated Schedule XX;

10. Whereas, pursuant to Section 254 of the Trade Expansion Act of 1962 (19 U.S.C. 1884), I have determined that, in the case of those modifications of existing duties proclaimed in this proclamation which reflect decreases in duties exceeding the limitations specified in Section 201(b)(1) or 253 of the Trade Expansion Act of 1962 (19 U.S.C. 1821(b)(1) or 1883), such decreases will simplify the computation of the amount of duty imposed with respect to the articles concerned; and

11. Whereas, pursuant to Section 201(a)(2) of the Trade Expansion Act of 1962, I determine that the modification or continuance of existing duties or other import restrictions, and the continuance of existing duty-free or excise treatment, hereinafter proclaimed, will be required or appropriate to carry out such trade agreement:

Now, Therefore, I, Lyndon B. Johnson, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 201(a)(2) of the Trade Expansion Act of 1962, do proclaim that:

(1) Subject to the applicable provisions of the trade agreement with the United Kingdom identified in the eighth recital of this proclamation and of the General Agreement and other agreements supplementary thereto, the modification or continuance of existing duties or other import restrictions, and the continuance of existing duty-free or excise treatment, provided for in the schedule in annex II to such agreement with the United Kingdom shall be effective as provided therein, and, as a result thereof,

(2) The Tariff Schedules of the United States shall be modified, effective on and after May 1, 1966, as provided for in Appendix A to this proclamation.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this fifth day of April in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

Lyndon B. Johnson.

APPENDIX A

Modifications of the Tariff Schedules of the United States Resulting From the Proclamation of the Interim Agreement Between the United States and the United Kingdom Relating to the Renegotiation of Schedule XX (United States) to the General Agreement on Tariffs and Trade

The rate in column numbered 1 for each item of the Tariff Schedules of the United States which is identified in the following table shall be superseded, effective on each date shown in such table, by the respective rate set forth therein opposite the number of such item:

TSUS item	Rates of duty, effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after May 1,—				
	1966	1967	1968	1969	1970
222.60	24% ad val.	23% ad val.	22% ad val.	21% ad val.	20% ad val.
531.37	40% ad val.	36% ad val.	31% ad val.	27% ad val..	22.5% ad val.
792.60	11% ad val.	11% ad val.	10% ad val.	9% ad val	8% ad val.

Termination of Proc. No. 3712 by Proc. No. 3818, set out as a note following this Part, to the extent it provides, on and after July 1, 1967, for any item in the Tariff Schedules identified in the annex to Proc. No. 3818, a rate of duty lower than the rate set forth opposite thereto in the annex.

Proc. No. 3744. Trade Agreement With Japan Providing Compensatory Concessions

Proc. No. 3744, Sept. 13, 1966, 31 F.R. 12391, provided:

1. Whereas, pursuant to Section 350 of the Tariff Act of 1930, the President, on October 30, 1947, entered into, and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), proclaimed, the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"), including a schedule of United States concessions, designated as Schedule XX, annexed thereto (61 Stat. (pt. 5) A1157), which Agreement, schedule, and proclamation have been supplemented by subsequent agreements, schedules, and proclamations;

2. Whereas, by Proclamation No. 3235 of April 21, 1958 (72 Stat. (pt. 2) C35) and by Proclamation No. 3323 of October 20, 1959 (74 Stat. C15), the President proclaimed increased rates of duty, pursuant to section 7 of the Trade Agreements Extension Act of 1951 (65 Stat. 74; 67 Stat. 472; 69 Stat. 166; 72 Stat. 676) and in accordance with Article XIX of the General Agreement (61 Stat. (pt. 5) A58; 8 U.S.T. (pt. 2) 1786), with respect to certain clinical thermometers and to certain stainless-steel flatware, respectively, and, by Proclamation No. 3513 of December 28, 1962 (77 Stat. 970) the President proclaimed concessions compensatory for such increased rates of duty, subject to the qualification that if Proclamation No. 3235 or Proclamation No. 3323 should be modified or terminated so as to result in a lowering of the increased rates of duty provided for therein, the United States and Japan would enter into negotiations or consultations with a view to reaching a mutually satisfactory adjustment of the balance of concessions under the General Agreement (13 U.S.T. (pt. 3) 3194);

3. Whereas, by Proclamation No. 3696 of January 7, 1966 (31 F.R. 421), the President terminated Proclamation No. 3235 and, by Proclamation No. 3697 of January 7, 1966 (31 F.R. 423), terminated Proclamation No. 3323, thereby terminating the increased rates of duty with respect to the clinical thermometers and reducing the increased rates of duty with respect to the stainless-steel flatware, respectively, identified in the second recital of this proclamation;

4. Whereas, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 2761A and proclamations supplementary thereto insofar as they relate to Schedule XX to the General Agreement;

5. Whereas, pursuant to Sections 221 and 224 of the Trade Expansion Act of 1962 (19 U.S.C. 1841 and 1844), the President, on October 21, 1963, published and furnished to the Tariff Commission lists of articles which may be considered for modification or continuance of duties or other import restrictions, or continuance of duty-free or excise treatment, in the negotiation of trade agreements, including the trade agreement with Japan identified in the tenth recital of this proclamation, compensating other nations for modifications or withdrawals of United States trade agreement concessions (48 CFR Part 180), and the Tariff Commission, after holding public hearings, has advised the President with respect to each such article of its judgment as to the probable economic effect of such modifications;

6. Whereas, pursuant to Sections 223 and 224 of the Trade Expansion Act of 1962 (19 U.S.C. 1843 and 1844) and in accordance with Section 3(g) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(g)), the Special Representative for Trade Negotiations, appointed by the President pursuant to Section 241(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(a)), on April 23, 1963, designated the Trade Information Committee to afford an opportunity, through public hearings and other means, for any interested person to present his views concerning any article on the lists identified in the fifth recital of this proclamation or any other matter relevant to the trade agreement negotiations, including the negotiation of the trade agreement with Japan identified in the tenth recital of this proclamation (48 CFR Part 202), and the Trade Information Committee has furnished the President with a summary of its hearings;

7. Whereas, pursuant to Section 222 of the Trade Expansion Act of 1962 (19 U.S.C. 1842), the President has received information and advice with respect to the trade agreement with Japan identified in the tenth recital of this proclamation, from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State, and the Treasury, and from such other sources as the President has deemed appropriate, and, pursuant to Section 241(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(b)), the Special Representative for Trade Negotiations has received information and advice with respect to that agreement from representatives of industry, agriculture, and labor, and from such agencies as he has deemed appropriate;

8. Whereas, pursuant to Section 201(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(1)), the Special Representative for Trade Negotiations has conducted negotiations on behalf of the President with Japan and other contracting parties to the General Agreement, in accordance with Article XXVIII of that Agreement (8 U.S.T. (pt. 2) 1790), with a view to the establishment of a new consolidated Schedule XX to that Agreement in terms of the Tariff Schedules of the United States, and has conducted negotiations

with Japan with a view to reaching the mutually satisfactory adjustment of the balance of concessions referred to in the second recital of this proclamation;

9. **Whereas**, pursuant to Section 201(a) of the Trade Expansion Act of 1962, the President has determined that certain existing duties or other import restrictions of the United States or of foreign countries which are contracting parties to the General Agreement, were unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes stated in Section 102 of the Trade Expansion Act of 1962 (19 U.S.C. 1801) would be promoted by entering into the trade agreement with Japan identified in the tenth recital of this proclamation;

10. **Whereas**, pursuant to Section 201(a)(1) of the Trade Expansion Act of 1962, I, through my duly empowered representative, have entered into a trade agreement with Japan entitled the "Interim Agreement between the Government of the United States of America and the Government of Japan Relating to the Renegotiation of Schedule XX (United States) to the General Agreement on Tariffs and Trade" (a copy of which is Appendix B to this proclamation), which embodies the results of the negotiations with Japan as part of the negotiations under Article XXVIII of the General Agreement for the establishment of a new consolidated Schedule XX thereto in terms of the Tariff Schedules of the United States and of the negotiations with a view to reaching the mutually satisfactory adjustment of the balance of concessions referred to in the second recital of this proclamation;

11. **Whereas** the trade agreement with Japan identified in the tenth recital of this proclamation, which is an agreement supplementary to the General Agreement, contains in annex II a schedule of concessions, to take effect as provided therein, in compensation for the impairment, arising out of the entry into force of the Tariff Schedules of the United States, of the rights of Japan in concessions in Schedule XX to the General Agreement, and provides that such concessions shall be applied as if they were included in a Schedule XX to the General Agreement pending the formal effectiveness of a new consolidated Schedule XX;

12. **Whereas**, pursuant to Section 254 of the Trade Expansion Act of 1962 (19 U.S.C. 1884), I have determined that, in the case of those modifications of existing duties proclaimed in this proclamation which reflect decreases in duties exceeding the limitations specified in Section 201(b)(1) or 253 of the Trade Expansion Act of 1962 (19 U.S.C. 1821(b)(1) or 1883), such decreases will simplify the computation of the amount of duty imposed with respect to the articles concerned; and

13. **Whereas**, pursuant to Section 201(a)(2) of the Trade Expansion Act of 1962, I determine that the modification or continuance of existing duties or other import restrictions, and the continuance of existing duty-free or excise treatment, hereinafter proclaimed, will be required or appropriate to carry out such trade agreement:

Now, Therefore, I, **Lyndon B. Johnson**, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 201(a)(2) of the Trade Expansion Act of 1962, do proclaim that:

(1) Subject to the applicable provisions of the trade agreement with Japan identified in the tenth recital of this proclamation and of the General Agreement and other agreements supplementary thereto, the modification or continuance of existing duties or other import restrictions, and the continuance of existing duty-free or excise treatment, provided for in the schedule in annex II to such agreement with Japan shall be effective as provided therein, and, as a result thereof.

(2) The Tariff Schedules of the United States shall be modified, effective on and after October 1, 1966, as provided for in Appendix A to this proclamation.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this thirteenth day of September in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

[SEAL]

Lyndon B. Johnson.

By the President:
Dean Rusk,
Secretary of State.

APPENDIX A

Modifications of the Tariff Schedules of the United States Resulting From the Proclamation of the Interim Agreement Between the United States and Japan Relating to the Renegotiation of Schedule XX (United States) to the General Agreement on Tariffs and Trade

The rate in column numbered 1 for each item of the Tariff Schedules of the United States which is identified in the following table shall be superseded, effective on each date showing in such table, by the respective rate set forth therein opposite the number of such item:

TSUS item	Rates of duty, effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after October 1,—				
	1966	1967	1968	1969	1970
222.50	36% ad val	32% ad val	28% ad val	24% ad val	20% ad val.
535.31	28% ad val	26% ad val	24% ad val	22% ad val	20% ad val.
544.51	33% ad val	31% ad val	29% ad val	27% ad val	25% ad val.
648.97	21.5% ad val	20.5% ad val	19.5% ad val	18.5% ad val	17.5% ad val.
651.37	21.5% ad val	20.5% ad val	19.5% ad val	18.5% ad val	17.5% ad val.
652.80	17% ad val	15% ad val	13% ad val	11% ad val	9.5% ad val.
696.35	11% ad val	10% ad val	8.5% ad val	7.5% ad val	6% ad val.
703.70	17¢ per lb.+14% ad val.	15¢ per lb.+12.5% ad val.	13¢ per lb.+11% ad val.	12¢ per lb.+9.5% ad val.	10¢ per lb.+8.5% ad val.
708.72	33% ad val	31% ad val	29% ad val	27% ad val	25% ad val.
709.40	10.5% ad val	9.5% ad val	8% ad val	7% ad val	6% ad val.
722.40	33% ad val	31% ad val	29% ad val	27% ad val	25% ad val.
737.50	41% ad val	38% ad val	35.5% ad val	32.5% ad val	30% ad val.
737.65	18% ad val	16% ad val	14% ad val	12% ad val	10% ad val.
737.80	41% ad val	38% ad val	35.5% ad val	32.5% ad val	30% ad val.
741.10	36% ad val	32% ad val	28% ad val	24% ad val	20% ad val.
745.70	48% ad val	46% ad val	44% ad val	42% ad val	40% ad val.
745.72	38% ad val	36% ad val	34% ad val	32% ad val	30% ad val.
756.04	48% ad val	46% ad val	44% ad val	42% ad val	40% ad val.
760.10	32¢ per gross+30.5% ad val.	28¢ per gross+29% ad val.	25¢ per gross+27.5% ad val.	21¢ per gross+26% ad val.	18¢ per gross+25% ad val.
770.80	24% ad val	23% ad val	22% ad val	21% ad val	20% ad val.
773.05	16% ad val	15% ad val	14% ad val	13% ad val	12% ad val.

Termination of Proc. No. 3744 by Proc. No. 3818, set out as a note following this Part, to the extent it provides, on and after July 1, 1967, for any item in the Tariff Schedules identified in the annex to Proc. No. 3818, a rate of duty lower than the rate set forth opposite thereto in the annex.

PROC. NO. 3818. TERMINATION OF FURTHER STAGING OF CERTAIN CONCESSIONS IN INTERIM TRADE AGREEMENTS WITH CANADA, THE UNITED KINGDOM, AND JAPAN

Proc. No. 3818, Nov. 6, 1967, 32 F.R. 15467, provided:

1. WHEREAS, pursuant to Section 201(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)), I entered into and proclaimed the following Interim Agreements Relating to the Renegotiation of Schedule XX (United States) to the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A1157):

(a) Agreement of December 17, 1965, with Canada (TIAS 5912), which was proclaimed by Proclamation No. 3694 of December 27, 1965 (30 F.R. 17147),

(b) Agreement of April 5, 1966, with the United Kingdom (TIAS 5975), which was proclaimed by Proclamation No. 3712 of April 5, 1966 (31 F.R. 5543), and

(c) Agreement of September 6, 1966, with Japan (TIAS 6106), which was proclaimed by Proclamation No. 3744 of September 13, 1966 (31 F.R. 12391);

2. WHEREAS Article II of, and Annex II to, the agreements identified in the first recital of this proclamation provide, for each of the items in the Tariff Schedules of the United States listed in the annex to this proclamation, a rate reduction less than the maximum rate reduction authorized by Section 201(b)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(b)(1)), or than the duty elimination authorized by Section 202 of that Act (19 U.S.C. 1822);

3. WHEREAS Part I of Schedule XX (United States) to the Geneva (1967) Protocol, of June 30, 1967, to the General Agreement on Tariffs and Trade (GATT, 6th Round of Trade Negotiations, Schedule XX: United States, June 1967) provides, for each of the items listed in the annex to this proclamation, a rate reduction greater than that provided for in any of the agreements identified in the first recital of this proclamation, or a duty elimination;

4. WHEREAS, by separate agreements of June 30, 1967, with Canada (TIAS 6316), the United Kingdom (TIAS 6318), and Japan (TIAS 6317), it was agreed that, in the case of each item listed in the annex to this proclamation for which a reduction was provided for in the agreement with that country identified in the first recital to this proclamation, the level of reduction in effect on June 30, 1967, shall be the final level of reduction under that agreement for purposes of staging the further reduction or elimination of duty provided for in Part I of Schedule XX (United States) referred to in the third recital of this proclamation; and

5. WHEREAS Section 255(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1885(b)) provides that the President may at any time terminate, in whole or in part, any proclamation made under Section 201(a) of that Act [19 U.S.C. 1821(a)]:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 255(b) of the Trade Expansion Act of 1962 [19 U.S.C. 1885(b)], do proclaim that:

(1) Proclamation Nos. 3694, 3712, and 3744 identified in the first recital of this proclamation are terminated to the extent that they provide, on and after July 1, 1967, for any item in the Tariff Schedules of the United States identified in the annex to this proclamation, a rate of duty lower than the rate set forth opposite thereto in the annex.

(2) The Tariff Schedules of the United States shall be modified, with respect to each item identified in the annex to this proclamation, to provide for such item, effective on and after July 1, 1967, the continuation, until modified or amended, of the rate of duty set forth opposite thereto in the annex.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.

LYNDON B. JOHNSON.

ANNEX

ITEMS ON WHICH FURTHER REDUCTIONS ARE BEING TERMINATED, LEVEL OF RATE REDUCTION IN EFFECT ON JUNE 30, 1967, AND DATE ON WHICH SUCH LEVEL BECAME EFFECTIVE

TSUS item No.	June 30, 1967, rate	Date June 30, 1967, rate became effective	Interim agreement or agreements
222.60	23% ad val	May 1, 1967	United Kingdom.
245.30	26% ad val	Jan. 1, 1967	Canada.
245.90	4% ad val	Jan. 1, 1966	Canada.
535.31	28% ad val	Oct. 1, 1966	Japan.
544.51	33% ad val	Oct. 1, 1966	Japan.
607.50	0.72¢ per lb. on silicon content	Jan. 1, 1967	Canada and Japan.
607.51	0.84¢ per lb. on silicon content	Jan. 1, 1967	Canada.
646.92	17% ad val	Jan. 1, 1967	Canada and Japan.
648.97	21.5% ad val	Oct. 1, 1966	Japan.
651.37	21.5% ad val	Oct. 1, 1966	Japan.
660.10	13% ad val	Jan. 1, 1966	Canada.
660.22	13% ad val	Jan. 1, 1966	Canada.
661.20	11% ad val	Jan. 1, 1966	Canada.
685.42	13% ad val	Jan. 1, 1967	Canada and Japan.
694.60	9% ad val	Jan. 1, 1966	Canada and United Kingdom.
708.72	33% ad val	Oct. 1, 1966	Japan.
722.40	33% ad val	Oct. 1, 1966	Japan.
734.20	10% ad val	Jan. 1, 1967	Canada.
737.50	41% ad val	Oct. 1, 1966	Japan.
737.80	41% ad val	Oct. 1, 1966	Japan.
745.70	48% ad val	Oct. 1, 1966	Japan.
745.72	38% ad val	Oct. 1, 1966	Japan.
756.04	48% ad val	Oct. 1, 1966	Japan.
760.10	32¢ per gross & 30.5% ad val	Oct. 1, 1966	Japan.
770.80	24% ad val	Oct. 1, 1966	Japan.
773.05	16% ad val	Oct. 1, 1966	Japan.
792.60	11% ad val	May 1, 1966	United Kingdom.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 220.10, 220.15, 220.20, 220.25, 220.31, 220.35, 220.38, 220.40, 220.45, 220.50, 222.10, 222.15, 222.20, 222.25, 222.30, 222.32, 222.34, 222.36, 222.41, 222.42, 222.44, 222.55, 222.57, 222.60, 222.62 and 222.64, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 3—WOOD VENEERS, PLYWOOD, AND OTHER WOOD-VENEER ASSEMBLIES, AND BUILDING BOARDS

[28 F.R. 8711]

GSP	Item	Articles	Rates of duty 1	 2
		Part 3 headnotes:		
		1. For the purposes of this part, the following terms have the meanings hereby assigned to them:		
		(a) *Wood veneers:* Wood sheets or strips, regardless of thickness, quality or intended use, produced by the slicing or rotary cutting of logs or flitches; and wood sheets, not over ¼ inch in thickness, produced by sawing and of a type used to overlay inferior material;		
		(b) *Plywood:* Rigid wood-veneer assemblies bonded together with adhesive substances having a central ply or core of wood veneer or lumber with one or more plies of wood veneer on each side thereof, the grain of at least one ply being at an angle (usually a right angle) with the grain of one or more of the other plies, including such assemblies the face ply (or plies) of which has been mechanically scored, striated, or similarly processed;		
		(c) *Wood-veneer panels:* Rigid wood-veneer assemblies, bonded together with adhesive substances, except plywood, with a wood-veneer ply on one side of a backing, or on both sides of a core, which backing or core may be composed of lumber, veneer, hardboard, wood particle board, or other material, including such assemblies the face ply (or plies) of which has been mechanically scored, striated, or similarly processed;		
		(d) *Cellular panels:* Rigid assemblies bonded together with adhesive substances with both sides or faces consisting of veneer, plywood, lumber, wood-veneer panels, hardboard, wood particle board, or other board composed of vegetable fibers, and with a core of hollow, honeycomb, or spongelike construction, whether or not the interstices are filled with loose or loosely matted fibrous materials; and		
		(e) *Building boards:* Panels of rigid construction, including tiles and insulation board, chiefly used in the construction of walls, ceilings, or other parts of buildings.		
		2. The term "face finished", as applied to the boards and panels provided for in this part, means that one or both surfaces of a panel or board have been treated with creosote or other wood preservatives, or with fillers, sealers, waxes, oils, stains, varnishes, paints, or enamels, or have been overlaid with paper, fabric, plastics, base metal or other material.		
		Wood veneers, whether or not face finished, including wood veneers reinforced or backed with paper, cloth, or other flexible material:		
		Not reinforced or backed:		
A	240.00	Birch and maple	4% ad val	20% ad val.
A*	240.02	Philippine mahogany (almon (*Shorea almon*), bagtikan (*Parashorea plicata*), red lauan (*Shorea negrosensis*), white lauan (*Pentacme contorta* and *P. mindanensis*), mayapis (*Shorea squamata*), tangile (*Shorea polysperma*) and tiaong (*Shorea* spp.)); meranti (*Shorea* spp.); red seraya (*Shorea* spp.); and white seraya (*Parashorea* spp.).	40% ad val	20% ad val.
A	240.03	Other	5% ad val	20% ad val.
		Reinforced or backed:		
A	240.04	Decorative wood veneers, not face finished, or face finished with a clear or transparent material which does not obscure the grain, texture, or markings of the wood.	8% ad val	33⅓% ad val.
A	240.06	Other	5% ad val	20% ad val.
		Plywood, whether or not face finished:		
		Not face finished, or face finished with a clear or transparent material which does not obscure the grain, texture, or markings of the face ply:		
A*	240.10	With a face ply of Spanish cedar (*Cedrela* spp.)	20% ad val	40% ad val.
A*	240.12	With a face ply of Parana pine (*Araucaria angustifolia*).	12.5% ad val	40% ad val.
A	240.14	With a face ply of birch (*Betula* spp.)	7.5% ad val	50% ad val.

See footnotes at end of table.

PART 3—WOOD VENEERS, PLYWOOD, AND OTHER WOOD-VENEER ASSEMBLIES, AND BUILDING BOARDS—Continued

[28 F.R. 8711]

GSP	Item	Articles	Rates of duty	
			1	2
		Plywood, whether or not face finished—Continued		
A	240.16	With a face ply of European red pine (*Pinus sylvestris*).	8.5% ad val	40% ad val.
A	240.17	With a face ply of Philippine mahogany (*almon* (*Shorea almon*), bagtikan (*Parashorea plicata*), red lauan (*Shorea negrosensis*), white lauan (*Pentacme contorta* and *P. mindanensis*), mayapis (*Shorea squamata*), tangile (*Shorea polysperma*) and tiaong (*Shorea* spp.)); meranti (*Shorea* spp.); red seraya (*Shorea* spp.); and white seraya (*Parashorea* spp.).	8.5% ad val	40% ad val.
A	240.19	With a face ply of walnut (*Juglans* spp.)	20% ad val	40% ad val.
		Other:		
A	240.21	With a face ply of softwood	20% ad val	40% ad val.
	240.23	Other	10% ad val	40% ad val.
	240.25	Other	20% ad val	40% ad val.
		Wood-veneer panels, whether or not face finished:		
		With veneer faces on both sides:		
		Not face finished, or face finished with a clear or transparent material which does not obscure the grain, texture, or markings of the face ply:		
A	240.30	With a face ply of Spanish cedar (*Cedrela* spp.)	20% ad val	40% ad val.
A	240.32	With a face ply of Parana pine (*Araucaria angustifolia*).	12.5% ad val	40% ad val.
A	240.34	With a face ply of birch (*Betula* spp.)	7.5% ad val	50% ad val.
A	240.36	With a face ply of European red pine (*Pinus sylvestris*).	8.5% ad val	40% ad val.
A*	240.38	Other	10% ad val	40% ad val.
	240.40	Other	10% ad val	40% ad val.
		With veneer face on one side only:		
		Not face finished, or face finished with a clear or transparent material which does not obscure the grain, texture, or markings of the face ply:		
A	240.50	With face ply of Spanish cedar (*Cedrela* spp.)	20% ad val	40% ad val.
A	240.52	With face ply of Parana pine (*Araucaria angustifolia*).	12.5% ad val	40% ad val.
A	240.54	With face ply of birch (*Betula* spp.)	7.5% ad val	50% ad val.
A	240.56	With face ply of European red pine (*Pinus sylvestris*).	8.5% ad val	40% ad val.
A	240.58	Other	10% ad val	40% ad val.
A	240.60	Other	10% ad val	40% ad val.
		Hardboard, whether or not face finished:		
		Not face finished; and oil treated, whether or not regarded as tempered, but not otherwise face finished:		
A	245.00	Valued not over $48.33⅓ per short ton	7.5% ad val	30% ad val.
A	245.10	Valued over $48.33⅓ but not over $96.66⅔ per short ton.	7.5% ad val.	30% ad val.
A	245.20	Valued over $96.66⅔ per short ton	7.5% ad val	30% ad val.
A	245.30	Other	15% ad val	45% ad val.
		Wood particle board, whether or not face finished:		
A	245.45	If 90 percent or more by weight of the wood components consists of one, or any combination, of the following hardwoods: Pterocarpus spp., Triplaris spp., or Virola spp.	6% ad val	40% ad val.
A	245.50	Other	10% ad val	40% ad val.
A	245.60	Cellular panels, whether or not face finished	10% ad val	40% ad val.
A	245.70	Gypsum or plaster building boards and lath	6% ad val	30% ad val.
		Building boards not specially provided for, whether or not face finished:		
A	245.80	Laminated boards bonded in whole or in part, or impregnated, with synthetic resins	2.5¢ per lb.+4.5% ad val	15¢ per lb.+ 25% ad val.
	245.90	Other boards, of vegetable fibers (including wood fibers).	Free	20% ad val.

See footnotes at end of table.

AMENDMENTS

Item 245.45. Article description preceding item 245.45 and items 245.45 and 245.50 substituted in lieu of struck item 245.50 by Pub. L. 89-241, §§ 2(a), 13, Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 240.00, 240.03, 240.04, 240.06, 240.10, 240.12, 240.14, 240.16, 240.23, 240.30, 240.32, 240.34, 240.36, 240.38, 240.40, 240.50, 240.52, 240.54, 240.56, 240.58, 240.60, 245.00, 245.10, 245.30, 245.45, 245.50, 245.60, 245.70, 245.80 and 245.90, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 4—PAPER, PAPERBOARD, AND PRODUCTS THEREOF

[28 F.R. 8715]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2

Part 4 headnotes:

1. This part covers certain papermaking materials, paper and paperboard, and articles of pulp, of paper, and of paperboard, but does not cover—

(i) certain boards (see part 3 of this schedule);

(ii) certain printed matter (see part 5 of this schedule);

(iii) paper-backed metal foils (see part 3C of schedule 6);

(iv) luggage, handbags, or flat goods (see part 1D of schedule 7); or

(v) certain other articles specifically provided for in schedule 7.

2. For the purposes of this part—

(a) the term "ream" means 432,000 square inches;

(b) the term "cut to size or shape" means paper or paperboard without slits, holes, or other perforations which is—

(i) in rolls or strips not exceeding 6 inches in width,

(ii) in rectangular sheets not exceeding 15 inches in either length or width (except handmade paper the edges of which have not been cut or trimmed), or

(iii) cut into nonrectangular shapes of any size,

whether or not the cutting of such paper or paperboard dedicates it to any specific use;

(c) the term "lithographically printed" means printed in whole or in part by a lithographic process; and

(d) the term "writing paper" includes, but is not limited to, papers such as ledger, letter, manifold, mimeograph, note, onionskin, tablet, and typewriter papers.

3. Samples used in determining the weight of papers classifiable in this part according to weight shall be conditioned in an atmosphere at 50 percent (±2 percent) relative humidity under 23° C. (±2°C.) temperature.

4. If any country, dependency, province, or other subdivision of government shall forbid or restrict in any way the exportation of (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), or impose any export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, or wood pulp, or wood for use in the manufacture of wood pulp, the President may enter into negotiations with such country, dependency, province, or other subdivision of government to secure the removal of such prohibition, restriction, export duty, or other export charge, and if it is not removed he may, by proclamation, declare such failure of negotiations, setting forth the facts. Thereupon, and until such prohibition, restriction, export duty, or other export charge is removed, there shall be imposed upon printing paper provided for in item 252.67 of this part when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, an additional duty of 10 per centum ad valorem and in addition thereto an amount equal to the highest export duty or other export charge imposed by such country, dependency, province, or other subdivision of government, upon either an equal amount of printing paper or an amount of wood pulp or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper.

Subpart A—Paper-Making Materials

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
	250.02	Wood pulp; rag pulp; and other pulps derived from cellulosic fibrous materials and suitable for papermaking.	Free	Free.
	250.04	Waste paper and paperboard, and scrap paper and paperboard products fit only for remanufacture; and flax and hemp fibers to be used in papermaking.	Free	Free.

PART 4—PAPER, PAPERBOARD, AND PRODUCTS THEREOF—Continued

[28 F.R. 8715]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Paper and Paperboard, in Rolls and Sheets, Not Cut to Size or Shape		
		Subpart B headnotes:		
		1. This subpart covers paper and paperboard, in rolls and sheets, not cut to size or shape, and not made up into articles finished or not finished. Printed paper or paperboard is covered in this subpart only if the printing is merely incidental to the primary use of the article or is employed mainly for coloration or to produce a decorative or novelty effect.		
		2. For the purposes of this subpart, paperboard described in items 251.35, 251.40, 251.45, 251.49 and 251.51 under 0.012 inch in thickness shall be deemed to be paper.		
	251.05	Building papers and building paper-felts, whether or not coated or saturated.	Free	10% ad val.
A	251.10	Filter masse of pulp	5% ad val	20% ad val.
A	251.15	Pressboard and press paper	7.5% ad val	30% ad val.
A	251.20	Stereotype-matrix board or mat	10% ad val	35% ad val.
A	251.25	Strawboard and strawpaper, 0.008 inch or more in thickness	3.5% ad val	30% ad val.
	251.30	Test or container boards of a bursting strength over 60 pounds per square inch by the Mullen or Webb test.	3% ad val	20% ad val.
		Paperboard, not specially provided for:		
	251.35	Beer mat board	Free	10% ad val.
		Pulpboard in rolls chiefly used in the manufacture of building boards:		
	251.40	Not laminated by means of an adhesive substance, not coated, not surface-colored, not lined or vat-lined, not embossed, not ruled, not printed, and not decorated.	Free	10% ad val.
A	251.45	Laminated by means of an adhesive substance, coated, surface-colored, lined or vat-lined, embossed, ruled, printed, or decorated.	2.5% ad val	30% ad val.
A	251.49	Shoeboard	3% ad val	30% ad val.
	251.51	Other	Free	30% ad val.
		Papers, not impregnated, not coated, not surface-colored, not embossed, not ruled, not lined, not printed, and not decorated:		
A	252.05	Basic paper to be sensitized for use in photography	1% ad val	5% ad val.
A	252.10	Basic paper ordinarily used in making blueprint or brown print paper, or for similar purposes.	4% ad val	20% ad val.
		Bibulous paper, including blotting paper:		
A	252.13	Weighing not over 9 pounds per ream	1.5¢ per lb.+5% ad val	6¢ per lb.+20% ad val.
A	252.15	Weighing over 9 but not over 18 pounds per ream	1.2¢ per lb.+3.5% ad val	5¢ per lb.+15% ad val.
A	252.17	Weighing over 18 pounds per ream	3.5% ad val	30% ad val.
A	252.20	Bristol board weighing over 18 pounds per ream	0.6¢ per lb.+2% ad val	3¢ per lb.+15% ad val.
		Carbonizing paper:		
A	252.25	Weighing not over 9 pounds per ream	1¢ per lb.+3.5% ad val	6¢ per lb.+20% ad val.
A	252.27	Weighing over 9 but not over 18 pounds per ream	0.8¢ per lb.+3.5% ad val	5¢ per lb.+15% ad val.
A	252.30	Cellulose wadding	2.5¢ per lb.+3% ad val	6¢ per lb.+15% ad val.
A	252.35	Cigarette paper	7.5% ad val	60% ad val.
		Condenser paper, copying paper, pottery paper, and tissue paper for waxing:		60% ad val.
A	252.40	Weighing not over 9 pounds per ream	1.5¢ per lb.+5% ad val	6¢ per lb.+20% ad val.
A	252.42	Weighing over 9 but not over 18 pounds per ream	1.2¢ per lb.+3.7% ad val	5¢ per lb.+15% ad val.
A	252.45	Drawing paper weighing over 18 pounds per ream	0.3¢ per lb.+1.5% ad val	3¢ per lb.+15% ad val.
A	252.50	Filtering paper	6% ad val	5¢ per lb.+15% ad val.
A	252.55	Hanging paper	Free	10% ad val.
		Printing papers:		
A	252.57	Cover paper	6% ad val	30% ad val.
		India and bible paper:		
A	252.59	Weighing not over 9 pounds per ream	1.5¢ per lb.+5% ad val	6¢ per lb.+20% ad val.
A	252.61	Weighing over 9 but not over 15 pounds per ream.	1.2¢ per lb.+3.5% ad val	5¢ per lb.+15% ad val.
A	252.63	Weighing over 15 but not over 30.75 pounds per ream.	0.5¢ per lb.+1.5% ad val	4¢ per lb.+15% ad val.
A	252.65	Standard newsprint paper	Free	Free.
A	252.67	Book paper and printing paper, not specially provided for.	0.08¢ per lb.+2% ad val	0.25¢ per lb.+10% ad val.
		Stereotype paper:		
A	252.70	Weighing not over 9 pounds per ream	1¢ per lb.+3.5% ad val	6¢ per lb.+20% ad val.
A	252.73	Weighing over 9 but not over 18 pounds per ream	1¢ per lb.+2.5% ad val	5¢ per lb.+15% ad val.
A	252.75	Writing paper weighing over 18 pounds per ream	0.7¢ per lb.+3.5% ad val	3¢ per lb.+15% ad val.
		Other, not specially provided for:		
A	252.77	Weighing not over 9 pounds per ream	0.6¢ per lb.+3% ad val	6¢ per lb.+20% ad val.
A	252.79	Weighing over 9 but not over 18 pounds per ream	0.5¢ per lb.+2% ad val	5¢ per lb.+15% ad val.
		Weighing over 18 pounds per ream:		
		Wrapping paper:		
A	252.81	Sulphate	4% ad val	30% ad val.
A	252.84	Sulphite	6% ad val	30% ad val.
A	252.86	Other	5% ad val	30% ad val.
A	252.90	Other	10% ad val	30% ad val.

See footnotes at end of table.

PART 4—PAPER, PAPERBOARD, AND PRODUCTS THEREOF—Continued

[28 F.R. 8715]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Paper and Paperboard, in Rolls and Sheets, Not Cut to Size or Shape—Continued		
		Handmade paper:		
A	253.05	Not impregnated, not coated, not surface-colored, not embossed, not ruled, not lined, not printed, and not decorated.	0.5¢ per lb.+2.5% ad val	3¢ per lb.+15% ad val.
A	253.10	Impregnated, coated, surface-colored, embossed, ruled, lined, printed, or decorated.	0.6¢ per lb.+5% ad val	3¢ per lb.+25% ad val.
		Crepe paper, including paper creped or partly creped in any manner:		
A	253.15	Creped as a secondary converting process after paper has been made.	1¢ per lb. + 2.5% ad val	6¢ per lb. +15% ad val.
A	253.20	Other	0.75¢ per lb. + 2% ad val	6¢ per lb. + 15% ad val.
A	253.25	Vegetable parchment paper	0.5¢ per lb. + 1.5% ad val	3¢ per lb. + 15% ad val.
A	253.30	Grease-proof paper and imitation parchment paper, including glassine.	0.5¢ per lb. + 2.5% ad val	3¢ per lb. + 15% ad val.
A	253.35	Cloth-lined or reinforced paper	1¢ per lb. + 5% ad val	5¢ per lb. + 17% ad val.
		Any of the papers provided for in this subpart, if wholly or partly covered with flock, gelatin, metal, or metal solutions:		
A	253.40	With the surface or surfaces wholly or partly covered or decorated with a character, design, fancy effect, or pattern.	2¢ per lb. + 4% ad val	5¢ per lb. + 20% ad val.
A	253.45	Other	1¢ per lb. + 4% ad val	5¢ per lb. + 20% ad val.
		Papers, impregnated, coated, surface-colored, embossed, ruled, lined, printed, decorated, or any combination thereof:		
A	254.05	Basic paper to be sensitized for use in photography	1% ad val	5% ad val.
A	254.09	Bristol board weighing over 18 pounds per ream	0.6¢ per lb. + 4% ad val	3¢ per lb. + 25% ad val.
		Carbon paper:		
A	254.15	Weighing not over 9 pounds per ream	1¢ per lb. + 3.5% ad val	6¢ per lb. +20% ad val.
A	254.18	Weighing over 9 pounds per ream	0.8¢ per lb. +2.5% ad val	5¢ per lb. +15% ad val.
A	254.20	Cellulose wadding	2.5¢ per lb. +3% ad val	6¢ per lb. +15% ad val.
A	254.25	Cigarette paper	7.5% ad val	60% ad val.
		Decalcomania paper, not printed:		
A	254.30	Simplex	0.5¢ per lb. +2% ad val	5¢ per lb. +10% ad val.
	254.32	Duplex	Free	Free.
A	254.35	Drawing paper weighing over 18 pounds per ream	0.4¢ per lb. +4% ad val	3¢ per lb. + 25% ad val.
		Printing paper:		
		Not lithographically printed:		
		India or bible paper:		
A	254.40	Weighing not over 9 pounds per ream	1.5¢ per lb. +5% ad val	6¢ per lb. +20% ad val.
A	254.42	Weighing over 9 but not over 15 pounds per ream.	1.2¢ per lb. +3.5% ad val	5¢ per lb. +15% ad val.
A	254.44	Weighing over 15 but not over 30.75 pounds per ream.	0.5¢ per lb. +1.5% ad val	4¢ per lb. +15% ad val.
		Other:		
A	254.46	Impregnated, coated, or both, but not otherwise treated.	2¢ per lb. +2% ad val	5¢ per lb. +15% ad val.
A	254.48	Other	1¢ per lb. +4% ad val	5¢ per lb. +20% ad val.
A	254.50	Lithographically printed	6¢ per lb	30¢ per lb.
A	254.54	Wax or paraffin coated or impregnated paper	0.6¢ per lb. +4% ad val	3¢ per lb. +15% ad val.
		Writing paper weighing over 18 pounds per ream:		
A	254.56	Not lithographically printed	0.7¢ per lb. +6% ad val	3¢ per lb. +25% ad val.
A	254.58	Lithographically printed	6¢ per lb	30¢ per lb.
		Other, not specially provided for:		
		Not lithographically printed:		
		Not impregnated or coated:		
A	254.63	Weighing not over 9 pounds per ream	0.6¢ per lb. +3% ad val	6¢ per lb. +20% ad val.
A	254.65	Weighing over 9 but not over 18 pounds per ream.	0.5¢ per lb. +2% ad val	5¢ per lb. +15% ad val.
A	254.70	Weighing over 18 pounds per ream	1.5¢ per lb. +4% ad val	5¢ per lb. +15% ad val.
		Impregnated, coated, or both:		
A	254.75	Gummed	1.2¢ per lb	5¢ per lb.
		Not gummed:		
A	254.80	Impregnated, coated, or both, but not otherwise treated.	1¢ per lb.+2% ad val	5¢ per lb. +15% ad val.
A	254.85	Other	1¢ per lb. +4% ad val	5¢ per lb. +15% ad val.
		Lithographically printed:		
A	254.90	Not over 0.020 inch in thickness	6¢ per lb	30¢ per lb.
A	254.95	Over 0.020 inch in thickness	2.5¢ per lb	8.75¢ per lb.
		Subpart C—Paper and Paperboard Cut to Size or Shape; Articles of Paper and Paperboard		
		Subpart C headnote:		
		1. For the purposes of this subpart, the term "papeteries" (item 256.35) means writing paper, or correspondence cards, or both, together with envelopes, packed or assembled into boxes, folders, portfolios, or other containers, in which such articles are sold as a unit to the ultimate consumer.		
A	256.05	Wall paper	5% ad val	1.5¢ per lb. +20% ad val.
A	256.10	Cigarette paper, cut to size or shape, cigarette books, and cigarette bookcovers.	7.5% ad val	60% ad val.

See footnotes at end of table.

PART 4—PAPER, PAPERBOARD, AND PRODUCTS THEREOF—Continued

[28 F.R. 8715]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Paper and Paperboard Cut to Size or Shape; Articles of Paper and Paperboard—Continued		
		Other paper and paperboard, cut to size or shape:		
A	256.13	Basic paper to be sensitized for use in photography	1% ad val	5% ad val.
A	256.15	Filtering paper	5% ad val	30% ad val.
		Writing paper and correspondence cards, weighing over 18 pounds per ream:		
A	256.20	Not surface-colored, not embossed, not ruled, not lined, not printed, and not decorated.	0.7¢ per lb. +5% ad val	3¢ per lb. +20% ad val.
A	256.25	Surface-colored, embossed, ruled, lined, printed, decorated, or any combination thereof.	0.7¢ per lb. +7.5% ad val	3¢ per lb. +30% ad val.
A	256.30	Other, not specially provided for	7.5% ad val	30% ad val.
A	256.35	Papeteries	6% ad val	40% ad val.
A	256.40	Sheets of writing paper, with border gummed or perforated, with or without inserts, prepared for use as combination sheets and envelopes.	8% ad val	40% ad val.
		Paper envelopes:		
A	256.42	Not bordered, not embossed, not printed, not tinted, not decorated, and not lined.	7.5% ad val	30% ad val.
A	256.44	Bordered, embossed, printed, tinted, decorated, lined, or any combination thereof.	10% ad val	35% ad val.
		Boxes of paper, or paperboard, of papier-mâché, or of any combination thereof:		
A	256.48	Covered or lined with coated papers or papers described in items 253.25, 253.30, 253.35, 253.40, or 253.45, or with textile fabric.	1¢ per lb. +2.5% ad val	5¢ per lb. +20% ad val.
		Other:		
A	256.52	Not folded, not set up, and not otherwise assembled.	7.5% ad val	30% ad val.
A	256.54	Other	7% ad val	35% ad val.
		Blank books, bound:		
A	256.56	Diaries, notebooks, and address books	10% ad val	25% ad val.
A	256.58	Other	4% ad val	25% ad val.
A	256.60	Autograph, photograph, postage-stamp, post-card, and scrap albums, and albums for phonograph records.	6.5% ad val	30% ad val.
		Tubes, of paper, commonly used for holding thread or yarn:		
A	256.65	Parallel	0.2¢ per lb.+4% ad val	1¢ per lb.+25% ad val.
A	256.67	Tapered	0.7¢ per lb.+8% ad val	3¢ per lb.+35% ad val.
		Subpart D—Articles Not Specially Provided for of Pulp, of Papier-Mâché, of Paper, or of Paperboard		
		Subpart D headnote: 1. This subpart covers articles of pulp, of papier-mache, of paper, or of paperboard, not provided for elsewhere in this schedule or in schedule 7.		
		Articles, of pulp, of papier-mâché, of paper, of paperboard, or of any combination thereof, not specially provided for:		
A	256.70	Of pulp, not including articles of paper or of paperboard.	4% ad val	30% ad val.
A	256.75	Of papier-mâché	4% ad val	25% ad val.
A*	256.80	Of cellulose wadding	2.5¢ per lb.+3% ad val	6¢ per lb.+15% ad val.
		Other:		
A*	256.85	Of papers, coated, or of any of the papers provided for in items 253.25, 253.30, 253.35, 253.40, or 253.45.	1¢ per lb.+5% ad val	5¢ per lb.+20% ad val.
A	256.90	Other	8.5% ad val	35% ad val.

See footnotes at end of table.

AMENDMENTS

Item 251.49 amended by Pub. L. 89-241, §§ 2(a), 14, Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 256.48 amended by Pub. L. 89-241, §§ 2(a), 11(b), Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 256.50 repealed by Pub. L. 89-241, §§ 2(a), 11(b), Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 251.05, 251.10, 251.15, 251.20, 251.25, 251.30, 251.35, 251.40, 251.45, 251.49, 251.51, 252.05, 252.10, 252.13, 252.15, 252.17, 252.20, 252.25, 252.27, 252.30, 252.35, 252.40, 252.42, 252.45, 252.50, 252.55, 252.57, 252.59, 252.61, 252.63, 252.67, 252.70, 252.73, 252.75, 252.77, 252.79, 252.81, 252.84, 252.86, 252.90, 253.05, 253.10, 253.15, 253.25, 253.30, 253.35, 253.40, 253.45, 254.05, 254.09, 254.15, 254.18, 254.20, 254.25, 254.30, 254.35, 254.40, 254.42, 254.44, 254.46, 254.48, 254.50, 254.54, 254.56, 254.58, 254.63, 254.65, 254.70, 254.75, 254.80, 254.85, 254.90, 254.95, 256.05, 256.10, 256.13, 256.15, 256.20, 256.25, 256.30, 256.35, 256.40, 256.42, 256.44, 256.48, 256.52, 256.54, 256.56, 256.58, 256.60, 256.65, 256.67, 256.70, 256.75, 256.80, 256.85 and 256.90, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 5—BOOKS, PAMPHLETS, AND OTHER PRINTED AND MANUSCRIPT MATTER

[28 F.R. 8723]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 5 headnotes: 1. Except for decalcomanias, labels, flaps, and bands, all of which are covered by the provisions therefor in this part, regardless of the nature of the printing thereon, this part covers only printed matter consisting essentially of textual or pictorial matter produced by any printing process, and similar matter in manuscript or typewritten form. The text may be set forth in any language by means of any kind of characters. With the exceptions above indicated, this part does not cover any article in which printing is merely incidental to the primary use of the article or in which printing is employed mainly for coloration or to produce a decorative or novelty effect (see part 4 of this schedule). 2. For the purposes of this part— (a) the term "paper" includes paperboard; (b) the term "books" includes books, bound and not bound, and pamphlets; (c) the term "periodicals" embraces only paper-covered or unbound publications issued regularly at stated periods, such as weekly, monthly, or quarterly, and bearing the date of issue; and (d) the term "photographs" embraces only pictures other than motion pictures, produced on photosensitive materials, and includes positive and negative images on exposed, or exposed and developed, photographic film. 3. For the purposes of determining the classification of printed matter produced in whole or in part by a lithographic process, the thickness of such printed matter is that of the thinnest paper contained therein, except that the thickness of a permanently mounted lithograph is the combined thickness of the lithograph and its mounting.		
	270.05	Printed matter issued by literary or scientific institutions for their subscribers or exchanges.	Free	Free.
	270.10	Printed matter of individuals, not advertising matter, for gratuitous private circulation.	Free	Free.
	270.15	International customs forms (carnets), and parts thereof, in English or French (whether or not in additional languages).	Free	Free.
	270.25	Books not specially provided for	Free	Free.
		Printed catalogs relating chiefly to current offers for the sale of United States products:		
A	270.45	Wholly or almost wholly of foreign authorship	1.5% ad val	15% ad val.
A	270.50	Other	3.5% ad val	25% ad val.
	270.55	Newspapers	Free	Free.
	270.63	Periodicals	Free	Free.
	270.70	Tourist and other literature (including posters), containing geographic, historical, hotel, institutional, time-table, travel, or similar information, chiefly with respect to places, travel facilities, or educational opportunities outside the customs territory of the United States.	Free	Free.
	270.85	Printed catalogs, price lists, or trade notices, relating to offers, by a person whose principal place of business or bona fide residence is in a foreign country, to sell or rent products of a foreign country or to furnish foreign or international transportation or commercial insurance services.	Free	Free.
	273.10	Music in books or sheets	Free	Free.
A	273.30	Printed globes	8.5% ad val	35% ad val.
	273.35	Maps, atlases, and charts (except tourist and other literature provided for in item 270.70).	Free	Free.
		Architectural, engineering, industrial, or commercial drawing sand plans, whether originals or reproductions printed on sensitized materials by any photographic process:		
	273.45	Produced over 20 years before importation	Free	Free.
		Produced not over 20 years before importation:		
A	273.50	Suitable as designs for use in the manufacture of floor coverings, textiles, wall coverings, or wall paper.	1.5% ad val	20% ad val.
A	273.55	Other	4% ad val	25% ad val.
	273.60	Manuscripts, typewritten matter, and carbon copies thereof, all the foregoing not specially provided for.	Free	Free.
		Decalcomanias (except toy decalcomanias):		
		In ceramic colors:		
A	273.65	Weighing not over 100 pounds per 1,000 sheets (on the basis of 20 by 30 inches in dimensions).	37¢ per lb. + 5% ad val	$1.25 per lb. + 15% ad val.
A	273.70	Weighing over 100 pounds per 1,000 sheets (on the basis of 20 by 30 inches in dimensions).	9¢ per lb. + 5% ad val	30¢ per lb. + 15% ad val.
		Other:		
A	273.75	Not backed with metal leaf	10¢ per lb	40¢ per lb.
	273.80	Backed with metal leaf	Free	65¢ per lb.

See footnotes at end of table.

PART 5—BOOKS, PAMPHLETS, AND OTHER PRINTED AND MANUSCRIPT MATTER—Continued

[28 F.R. 8723]

GSP	Item	Articles	Rates of duty	
			1	2
		Postcards:		
A	273.85	With views of any landscape, scene, building, place or locality in the United States.	10% ad val	25% ad val.
		Other:		
A	273.90	Not printed in whole or in part by a lithographic process.	6% ad val	30% ad val.
A	273.95	Printed on paper in whole or in part by a lithographic process.	4% ad val	25% ad val.
		Greeting cards, valentines, tally cards, place cards, and all other social and gift cards, including folders, booklets, and cutouts, or in any other form, finished or not finished, and with or without envelopes:		
A*	274.00	Without greeting, title, or other wording	5% ad val	30% ad val.
A	274.05	With greeting, title, or other wording	7.5% ad val	45% ad val.
		Calendars of paper:		
		Printed on paper in whole or in part by a lithographic process:		
A	274.10	Not over 0.020 inch in thickness	6¢ per lb	30¢ per lb.
A	274.15	Over 0.020 inch in thickness	2.5¢ per lb	8.75¢ per lb.
A	274.20	Other	7.5% ad val	35% ad val.
		Printed paper labels, flaps, and bands:		
		Printed in whole or in part by a lithographic process:		
		Cigar bands:		
A	274.23	Not printed in whole or in part in metal leaf	15¢ per lb	35¢ per lb.
A	274.27	Printed in whole or in part in metal leaf	32¢ per lb	65¢ per lb.
		Other:		
A	274.29	Not printed in whole or in part in metal leaf	9¢ per lb	40¢ per lb.
A	274.33	Printed in whole or in part in metal leaf	15¢ per lb	65¢ per lb.
A	274.35	Not printed in whole or in part by a lithographic process.	6% ad val	35% ad val.
	274.40	Postage and revenue stamps, cancelled or not cancelled, and government stamped envelopes and postal cards bearing no printing other than the official imprint thereon.	Free	Free.
	274.45	X-ray film, exposed, whether or not developed	Free	Free.
		Photographs, engravings, etchings, lithographs, and wood cuts, and pictorial matter produced by relief or stencil printing process, all the foregoing, whether bound or not bound, and not specially provided for:		
	274.50	Printed over 20 years at time of importation	Free	Free.
		Printed not over 20 years at time of importation:		
		Lithographs on paper:		
A	274.60	Not over 0.020 inch in thickness	6¢ per lb	30¢ per lb.
A	274.65	Over 0.020 inch in thickness	2.5¢ per lb	8.75¢ per lb.
A	274.70	Other	4% ad val	25% ad val.
		Printed matter not specially provided for:		
	274.73	Suitable for use in the production of such books as would themselves be free of duty.	Free	Free.
		Other:		
		Printed on paper in whole or in part by a lithographic process:		
A	274.75	Not over 0.020 inch thick	6¢ per lb	30¢ per lb.
A	274.80	Over 0.020 inch thick	2¢ per lb	8.75¢ per lb.
		Other:		
A	274.85	Susceptible of authorship	2% ad val	25% ad val.
A	274.90	Other	7.5% ad val	35% ad val.

For explanation of the symbol "A" or "A" in the column marked "GSP", see general headnote 3(c).

(s) = Suspended. See general headnote 3(b).

[1] Free of duty if entered on or before May 29, 1966. See Appendix to Tariff Schedules.

AMENDMENTS

Part 5 heading amended by Pub. L. 89-651, §§ 2, 8(a), Oct. 14, 1966, 80 Stat. 897, 901, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 270.15 added by Pub. L. 90-635, §§ 1, 4, Oct. 24, 1968, 82 Stat. 1351, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on and after a date which shall be proclaimed by the President, which date shall be consonant with the entering into force for the United States of the customs convention which item 270.15 implements.

Item 270.25 substituted in lieu of struck items 270.15, 270.20, 270.30, 270.35, and 270.40 by Pub. L. 89-651, §§ 2, 3(a)(1)(A), Oct. 14, 1966, 80 Stat. 897, effective with respect to, articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 270.45. Article description preceding item 270.45 amended by Pub. L. 89-651, §§ 2, 3(a)(1)(B), Oct. 14, 1966, 80 Stat. 897, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 270.63 substituted in lieu of struck article description preceding item 270.60 and struck items 270.60 and 270.65 by Pub. L. 89-651, §§ 2, 3(b), Oct. 14, 1966, 80 Stat. 897, 898, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 270.70 amended by Pub. L. 89-651, §§ 2, 3(e), Oct. 14, 1966, 80 Stat. 897, 898 effective with respect to

articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 273.10 substituted in lieu of struck article descriptions preceding items 273.05 and 273.15 and struck items 273.05, 273.15, and 273.20 by Pub. L. 89-651, §§ 2, 3(d), Oct. 14, 1966, 80 Stat. 897, 898, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 273.25. Article description preceding item 273.25 and item 273.25 struck by Pub. L. 89-651, §§ 2, 3(e)(1), Oct. 14, 1966, 80 Stat. 897, 898, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the resident as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 273.30 amended by Pub. L. 89-651, §§ 2, 3(e)(2), Oct. 14, 1966, 80 Stat. 897, 898, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 273.35 substituted in lieu of struck article description preceding item 273.35 and struck items 273.35 and 273.40 by Pub. L. 89-651, §§ 2, 3(e)(3), Oct. 14, 1966, 80 Stat. 897, 898, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 274.73. Article descriptions preceding items 274.73, 274.75, and 274.85 and items 274.73, (as amended by section 3(a)(1)(D) of Pub. L. 89-651), 274.75, 274.80, 274-85, and 274.90 substituted in lieu of struck articles descriptions preceding items 274.75 and 274.85 and struck items 274.75, 274.80, 274.85, and 274.90 by Pub. L. 89-651, §§ 2, 3(a)(1)(C), Oct. 14, 1966, 80 Stat. 897, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 270.45, 270.50, 273.30, 273.50, 273.55, 273.65, 273.70, 273.75, 273.80, 273.85, 273.90, 273.95, 274.00, 274.05, 274.10, 274.15, 274.20, 274.23, 274.27, 274.29, 274.33, 274.35, 274.60, 274.65, 274.70, 274.75, 274.80, 274.85 and 724.90, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

SCHEDULE 3—TEXTILE FIBERS AND TEXTILE PRODUCTS [28 F.R. 8727]

Part 1—Textile Fibers and Wastes; Yarns and Threads.
  A. Cotton.
  B. Vegetable Fibers, Except Cotton.
  C. Wool and Related Animal Hair.
  D. Silk.
  E. Manmade Fibers.
  F. Miscellaneous Textile Materials.
Part 2—Cordage.
Part 3—Woven Fabrics.
  A. Woven Fabrics, of Cotton.
  B. Woven Fabrics, of Vegetable Fibers (Except Cotton).
  C. Woven Fabrics, of Wool.
  D. Woven Fabrics, of Silk.
  E. Woven Fabrics, of Manmade Fibers.
  F. Woven Fabrics, of Other Textile Materials.
Part 4—Fabrics of Special Construction or for Special Purposes; Articles of Wadding or Felt; Fish Nets; Machine Clothing.
  A. Knit, Pile, Tufted, and Narrow Fabrics; Braids, and Elastic Fabrics.
  B. Lace, Netting, and Ornamented Fabrics.
  C. Wadding, Felts, and Articles Thereof; Fish Netting and Nets; Artists' Canvas; Coated or Filled Fabrics; Hose; Machine Clothing; Other Special Fabrics.
Part 5—Textile Furnishings.
  A. Textile Floor Coverings.
  B. Bedding.
  C. Tapestries, Linens, and Other Furnishings.
Part 6—Wearing Apparel and Accessories.
  A. Handkerchiefs.
  B. Mufflers, Scarves, Shawls, and Veils; Men's and Boys' Neckties.
  C. Hosiery.
  D. Garters and Suspenders; Body-Supporting Garments; Rainwear.
  E. Underwear.
  F. Other Wearing Apparel.
Part 7—Miscellaneous Textile Products; Rags and Scrap Cordage.
  A. Miscellaneous Textile Products.
  B. Textile Articles Not Specially Provided For.
  C. Rags and Scrap Cordage.

SCHEDULE 3 HEADNOTES

1. This schedule does not cover—

(i) articles of unspun fibrous vegetable materials (see part 2b of schedule 2);

(ii) asbestos fibers, or yarns, fabrics, or other articles containing asbestos in significant amounts, i.e., articles in which asbestos is used in sufficient amounts to impart its peculiar characteristics or properties to the article (see part 1F of schedule 5);

(iii) wire, or wire cordage, screen, fencing, or other wire products (see parts 2 and 3b of schedule 6); or

(iv) footwear, headwear, gloves, handbags, pillows, mattresses, and other articles of text of materials provided for in schedule 7.

2. For the purposes of the tariff schedules—

(a) the term "textile materials" means—

(i) the fibers (cotton, other vegetable fibers, wool and hair, silk, and manmade fibers) provided for in part 1 of this schedule,

(ii) the yarn intermediates and the yarns provided for in part 1 and part 4 (elastic yarns) of this schedule,

(iii) the cordage provided for in part 2 and part 4 (elastic cordage) of this schedule,

(iv) the fabrics provided for in part 3 and part 4 of this schedule,

(v) braids, as defined in headnote 2(f), *infra*, and

(vi) except as provided by headnote 5, articles produced from any of the foregoing products;

(b) the term "colored", as used in connection with textile materials or textile articles, means that they have been subjected to a process such as, but not limited to, dyeing, staining, painting, printing, or stenciling, in which color is imparted at any stage of manufacture to all or part of the fiber, yarn, fabric, or other textile article, except identification yarns and except marking in or on selvages;

(c) the "wool", except as used in part 1C of this schedule, means wool or hair of the types covered by the said part 1C of this schedule, or any combinations thereof;

(d) the term "knit" means knit or crocheted;

(e) the term "yarns" includes threads, but does not include elastic yarns or any braids;

(f) the term "braids", as used in connection with textile materials or textile articles, includes all braids in the piece, whether of flat, tubular, or other construction, with or without cores, and whether braided from fibers, filaments (including tinsel wire and lame), yarns, cordage, textile fabrics, or any combination thereof;

(g) the term "burnt-out lace" means embroidery in which the base or ground (whether fabric, paper, or other material), having been removed chemically or by other means, is not visible; and

(h) a "lace" article or a "net" article is an article which (exclusive of any added ornamentation) is wholly or almost wholly of lace, including burnt-out lace, or wholly or almost wholly of net, whether the lace or net preexisted or was formed in the process of producing the article.

3. For the purposes of the tariff schedules—

(a) the term "ornamented", as used with reference to textile fabrics and other articles of textile materials, means fabrics and other articles of textile materials which are ornamented with—

(i) fibers, filaments (including tinsel wire and lame), yarns, or cordage, any of the foregoing introduced as needlework or otherwise, including—

(A) embroidery, and pile or tufting, whether wholly cut, partly cut, or not cut, and

(B) other types of ornamentation,

but not including functional stitching or one row of straight hemstitching adjoining a hem;

(ii) burnt-out lace;

(iii) lace, netting, braid, fringe, edging, tucking, or trimming, or textile fabric;

(iv) applique and replique work, beads, bugles, spangles, bullions, or ornaments; or

(v) any combination of the foregoing types or methods of ornamentation;

(b) ornamentation of the types or methods covered hereby consist of ornamenting work done to a preexisting textile fabric, whether the ornamentation was applied to such fabric—

(i) when it was in the piece,

(ii) after it had been made or cut to a size for particular furnishings, wearing apparel, or other article, or

(iii) after it had actually been incorporated into another article,

and if such textile fabric remains visible, at least in significant part, after ornamentation: *Provided*, That lace, netting, braid, fringe, edging, tucking, trimming or ornament shall not be required to have had a separate existence from the fabric or other article on which it appears in order to constitute ornamentation for the purposes of this headnote; and

(c) applique work, beads, bugles, spangles, bullions, and other forms of nontextile ornamentation applied to a textile farbic or other article of textile materials shall be disregarded in determining the component material of chief value of such fabric or other article.

4. For the purposes of the tariff schedules—

(a) Except as specifically provided otherwise, in determining the yarn count of fabrics, the warp and filling yarns, whether plied or not, shall be counted as they occur in the fabric.

(b) In determining the component fibers of chief value in coated or filled, or laminated, fabrics and articles wholely or in part thereof, the coating or filling, or the nontextile laminating substances, shall be disregarded in the absence of context to the contrary.

5. For the purposes of parts 5, 6, and 7 of this schedule and parts 1 (except subpart A), 4, and 12 of schedule 7, in determining the classification of any article which is wholly or in part of a fabric coated or filled, or laminated, with nontransparent rubber or plastics (which fabric is provided for in part 4C of this schedule), the fabric shall be regarded not as a textile material but as being wholly of rubber or plastics to the extent that (as used in the article) the nontransparent rubber or plastics forms either the outer surface of such article or the only exposed surface of such fabric.

6. (a) If the rate of duty in column numbered 1 applicable to wool provided for in item 306.31 is at any time increased or decreased, the specific part of the compounded rate of duty in column 1 (hereinafter referred to as the compensatory part thereof) applicable to articles provided for in each item listed in paragraph (e) of this note, and so much of each specific date in column 1 applicable to articles provided for in each item listed in paragraph (f) of this note as is therein designated as the compensatory part thereof, shall, subject to the provisions of paragraphs (b) through (d) of this note, be increased or decreased in the same proportion as such rate applicable to wool provided for in item 306.31 is increased or decreased.

(b) The maximum and minimum levels to which the compensatory part of a rate may be increased or decreased pursuant to paragraph (a) of this note shall be 50 percent above such compensatory part "existing on July 1, 1934", or 50 percent below such part "existing on July 1, 1962", respectively, as such terms are applied for purposes of section 201(b) of the Trade Expansion Act of 1962 (19 U.S.C. (1964) 1821).

(c) Any specific part of a compound rate or any specific rate modified pursuant to paragraph (a) of this note may be rounded, by not exceeding 0.5 cent, to a whole number of cents.

(d) A rate increase or decrease pursuant to this note shall be proclaimed by the President effective on the day on which the modified rate becomes applicable to the wool provided for in item 306.31 or, with or without staging, as soon thereafter as the President determines to be practicable under United States law, but no event later than 4 years after such modified rate becomes applicable, and shall remain in effect thereafter so long as such modified rate is applicable.

(e) The items containing the compound rates referred to in paragraph (a) of this note are:

307.50	307.52	307.64	336.10	336.15
336.20	336.25	336.30	336.40	336.50
336.60	345.30	346.52	346.82	347.40
355.15	355.16	357.10	357.15	357.20
358.30	363.10	363.15	363.65	363.70
364.20	364.22	367.05	367.10	367.15
367.20	367.25	372.25	372.30	372.35
372.40	372.45	373.15	374.50	376.08
378.35	378.40	378.45	380.57	380.59
380.61	380.63	380.66	382.48	382.54
382.56	382.58	382.60	382.63	388.10
388.20	388.30	702.54	702.56	702.75
702.80	704.60	704.65	704.70	

(f) The items containing the specific rates referred to in paragraph (a) of this note and the compensatory parts of such rates are:

Item:	*Compensatory part of rate*
336.35	30¢ per lb.
336.55	37.5¢ per lb.

7. With respect to fabrics provided for in part 3 (other than fabrics valued over $2 per pound provided for in item 337.50) and in part 4 of this schedule, provisions for fabrics in chief value of wool shall also apply to fabrics in chief weight of wool (whether or not in chief value of wool). For the purposes of the preceding sentence, a fabric is in chief weight of wool if the weight of the wool component is greater than the weight of each other textile component (i.e., cotton, vegetable fibers except cotton, silk, manmade fibers, or other textile materials) of the fabric.

AMENDMENTS

Headnote 2(a), subpar. (vi), amended by Pub. L. 89-241, §§ 2(a), 15(a)(1), Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Headnote 4 amended by Pub. L. 89-241, §§ 2(a), 15(b), Oct. 7, 1965, 79 Stat. 933, 936, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Headnote 5 added by Pub. L. 89-241, §§ 2(a), 15(a)(2), Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Headnote 6 added by Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002.

Headnote 7 added by Pub. L. 90-638, § 2(a), (c), Oct. 24, 1968, 82 Stat. 1360, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 24, 1968.

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty	
			1	2
		Part I headnotes: 1. For the purposes of this part— (a) the term "waste" means all fiber, yarn, and thread wastes, including wastes obtained in the production of continuous and noncontinuous fibers, yarns, and threads, such as gin motes, scutcher waste (including tow), picker waste, card waste, top waste, comber waste (including noils), hackling waste (including tow), sliver waste, roving waste, ring waste, throwster (twister or plyer) waste, fly, sweepings, and willowed wastes, and including fiber, yarn, and thread wastes obtained in the production of other textile products (i.e., products other than fibers, yarns, or threads) or otherwise obtained; and (b) the term "advanced waste" means any of the above-mentioned wastes which have been cleaned, bleached, colored, or otherwise advanced, and includes fibers recovered by cleaning (except willowing), degumming, carbonizing, cutting, pickering, garnetting or similar processes from any of the above-mentioned wastes or from textile clippings or articles, new or used, whether or not such fibers or the wastes from which recovered have also been otherwise advanced, but does not include fibers which have been carded, combed, or similarly processed, or reuseable yarns or threads. 2. Rags and scrap cordage are covered in part 7C of this schedule. Subpart A—Cotton *Subpart A headnotes:* 1. The term "number", as applied to yarns in this subpart, means the number of 840-yard hanks of yarn in 1 pound. To determine the number of any yarn, whether single or plied, the actual yards per pound shall be divided by 840 and the quotient thereof multiplied by the number of plies in such yarn. Fractions in the resulting yarn number shall be disregarded. 2. In this subpart, each of the rates of duty provided for yarns, wholly of cotton, not bleached, mercerized, colored, combed or plied (items 301.01 through 301.98, inclusive) is also the "base rate" for yarn of the same		

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS—Continued

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Cotton—Continued		
		Subpart A headnotes—Continued		
		number covered by item 302. For citation purposes, the two blanks on the end of the latter item number shall be filled in with the last two digits of the item number for the applicable base rate. Thus, "item 302.28" would be the citation for bleached, mercerized, colored, combed, or plied yarns, wholly of cotton, of number 28.		
		3. Under regulations prescribed by the Secretary of the Treasury, the staple length of cotton shall be determined for all customs purposes by application of the Official Cotton Standards of the United States for length of staple, as established by the Secretary of Agriculture and in effect when the determination is to be made.		
		Cotton, not carded, not combed, and not similarly processed:[1]		
	300.10	Having a staple length under 1⅛ inches	Free	Free.
	300.15	Having a staple length 1⅛ or more but under 1 11/16 inches.	3.5¢ per lb	7¢ per lb.
	300.20	Having a staple length 1 11/16 inches or more	1.75¢ per lb	7¢ per lb.
	300.30	Cotton linters, whether or not bleached or purified	Free	Free.
		Waste and advanced waste, of cotton, and fibers of cotton processed but not spun:[1]		
	300.40	Waste, not advanced	Free	Free.
		Other:		
	300.45	Having a staple length under 1⅛ inches	5% ad val	5% ad val.
	300.50	Having a staple length 1⅛ inches or more	5¢ per lb.+5% ad val	10¢ per lb.+5% ad val.
		Yarns of cotton:		
	300.60	In chief value, but not wholly, of cotton	14.5% ad val	40% ad val.
		Wholly of cotton:		
		Not bleached, not mercerized, not colored, not combed, and not plied:		
	301.01	Of number 1 or coarser	3.4% ad val	5.3% ad val.
	301.02	Of number 2	3.56% ad val	5.6% ad val.
	301.03	Of number 3	3.72% ad val	5.9% ad val.
	301.04	Of number 4	3.88% ad val	6.2% ad val.
	301.05	Of number 5	4.04% ad val	6.5% ad val.
	301.06	Of number 6	4.2% ad val	6.8% ad val.
	301.07	Of number 7	4.36% ad val	7.1% ad val.
	301.08	Of number 8	4.52% ad val	7.4% ad val.
	301.09	Of number 9	4.68% ad val	7.7% ad val.
	301.10	Of number 10	4.84% ad val	8.0% ad val.
	301.11	Of number 11	5% ad val	8.3% ad val.
	301.12	Of number 12	5.16% ad val	8.6% ad val.
	301.13	Of number 13	5.32% ad val	8.9% ad val.
	301.14	Of number 14	5.48% ad val	9.2% ad val.
	301.15	Of number 15	5.64% ad val	9.5% ad val.
	301.16	Of number 16	5.8% ad val	9.8% ad val.
	301.17	Of number 17	5.96% ad val	10.1% ad val.
	301.18	Of number 18	6.12% ad val	10.4% ad val.
	301.19	Of number 19	6.28% ad val	10.7% ad val.
	301.20	Of number 20	6.44% ad val	11% ad val.
	301.21	Of number 21	6.6% ad val	11.3% ad val.
	301.22	Of number 22	6.76% ad val	11.6% ad val.
	301.23	Of number 23	6.92% ad val	11.9% ad val.
	301.24	Of number 24	7.08% ad val	12.2% ad val.
	301.25	Of number 25	7.24% ad val	12.5% ad val.
	301.26	Of number 26	7.4% ad val	12.8% ad val.
	301.27	Of number 27	7.56% ad val	13.1% ad val.
	301.28	Of number 28	7.72% ad val	13.4% ad val.
	301.29	Of number 29	7.88% ad val	13.7% ad val.
	301.30	Of number 30	8.04% ad val	14% ad val.
	301.31	Of number 31	8.2% ad val	14.3% ad val.
	301.32	Of number 32	8.36% ad val	14.6% ad val.
	301.33	Of number 33	8.52% ad val	14.9% ad val.
	301.34	Of number 34	8.68% ad val	15.2% ad val.
	301.35	Of number 35	8.84% ad val	15.5% ad val.
	301.36	Of number 36	9% ad val	15.8% ad val.
	301.37	Of number 37	9.16% ad val	16.1% ad val.
	301.38	Of number 38	9.32% ad val	16.4% ad val.
	301.39	Of number 39	9.48% ad val	16.7% ad val.
	301.40	Of number 40	9.64% ad val	17% ad val.
	301.41	Of number 41	9.8% ad val	17.3% ad val.
	301.42	Of number 42	9.96% ad val	17.6% ad val.
	301.43	Of number 43	10.12% ad val	17.9% ad val.
	301.44	Of number 44	10.28% ad val	18.2% ad val.
	301.45	Of number 45	10.44% ad val	18.5% ad val.
	301.46	Of number 46	10.6% ad val	18.8% ad val.
	301.47	Of number 47	10.76% ad val	19.1% ad val.
	301.48	Of number 48	10.92% ad val	19.4% ad val.
	301.49	Of number 49	11.08% ad val	19.7% ad val.

See footnotes at end of table.

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS—Continued

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Cotton—Continued		
		Yarns of cotton—Continued		
		Wholly of cotton—Continued		
		Not bleached, not mercerized, not colored, not combed, and not plied—Continued		
	301.50	Of number 50	11.24% ad val	20% ad val.
	301.51	Of number 51	11.4% ad val	20.3% ad val.
	301.52	Of number 52	11.56% ad val	20.6% ad val.
	301.53	Of number 53	11.72% ad val	20.9% ad val.
	301.54	Of number 54	11.88% ad val	21.2% ad val.
	301.55	Of number 55	12.04% ad val	21.5% ad val.
	301.56	Of number 56	12.2% ad val	21.8% ad val.
	301.57	Of number 57	12.36% ad val	22.1% ad val.
	301.58	Of number 58	12.52% ad val	22.4% ad val.
	301.59	Of number 59	12.68% ad val	22.7% ad val.
	301.60	Of numbers 60-69	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	301.70	Of numbers 70-79	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	301.80	Of numbers 80-89	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	301.82	Of numbers 90-99	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	301.84	Of numbers 100-109	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	301.86	Of numbers 110-119	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	301.88	Of numbers 120-139	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	301.92	Of numbers 140-159	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	301.94	Of numbers 160-179	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	301.96	Of numbers 180-199	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	301.98	Of number 200 or higher number	3.6¢ per lb.+13% ad val	10¢ per lb.+32% ad val.
	[1]302.	Bleached, mercerized, colored, combed, or plied	Base rate+3.25% ad val	Base rate+5% ad val.
	303.10	Chenille yarns, of cotton	14.5% ad val	40% ad val.
	303.20	Sewing thread, of cotton; knitting, darning, embroidery and tatting yarns of cotton, put up for handwork, in lengths not over 840 yards.	4¢ per lb.+8% ad val	10¢ per lb.+25% ad val.
		Subpart B—Vegetable Fibers, Except Cotton		
		Subpart B headnote:		
		1. For the purposes of the tariff schedules—		
		(a) the term "vegetable fiber" means vegetable fiber which can be spun and includes fiber chiefly used for padding and stuffing (such as kapok and crin vegetal), but does not include vegetable fiber chiefly used in the manufacture of brushes and brooms (see part 15 of schedule 1);		
		(b) the term "raw" means the fiber as obtained from the plant source, or such fiber which has been merely dried, sorted, or graded. This subpart does not cover the plant or part of the plant from which the fiber is obtained (see part 15 of schedule 1);		
		(c) the term "hemp" means fiber derived from the plant *Cannabis sativa*; and		
		(d) the term "jute" means fiber derived from the plants of the *Corchorus* species, of *Hibiscus cannabinus*, or of *Urena lobata*.		
		Vegetable fibers (except cotton), raw; wastes and advanced wastes of such fibers; and vegetable fibers (except cotton) including fiber blends in chief value of such fibers, processed (except roving) but not spun:		
		Abaca:		
A*	304.02	Raw, waste, and advanced waste	Free	Free.
	304.04	Processed	4% ad val	20% ad val.
	304.06	Coir	Free	Free.
	304.08	Crin vegetal	0.5¢ per lb	1¢ per lb.
		Flax:		
A	304.10	Raw	0.18¢ per lb	1.5¢ per lb.
A	304.12	Waste and advanced waste	0.07¢ per lb	1¢ per lb.
		Processed:		
A	304.14	Not carded and not hackled	0.18¢ per lb	1.5¢ per lb.
	304.16	Hackled	0.46¢ per lb	3¢ per lb.
	304.18	Other	6% ad val	20% ad val.
		Hemp:		
A	304.20	Raw, waste, and advanced waste	0.2¢ per lb	2¢ per lb.
		Processed:		
A	304.22	Not carded and not hackled	0.4¢ per lb	2¢ per lb.
	304.24	Hackled	0.2¢ per lb	3.5¢ per lb.
	304.26	Other	4% ad val	20% ad val.
		Jute (including jute butts):		
	304.32	Raw, waste, and advanced waste	Free	Free.
		Processed:		
	304.34	Sliver	0.75¢ per lb	1.5¢ per lb.
	304.36	Other	5% ad val	20% ad val.
		Kapok:		
	304.38	Raw, waste, and advanced waste	Free	Free.
A*	304.40	Processed	4.5% ad val	20% ad val.
		Ramie:		
	304.42	Raw, waste, and advanced waste	Free	Free.
A	304.44	Processed	4% ad val	20% ad val.

See footnotes at end of table.

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS—Continued

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Subpart B—Vegetable Fibers, Except Cotton—Continued		
		Vegetable fibers (except cotton), raw, etc.—Continued		
		Sisal and henequen:		
	304.46	Raw, waste, and advanced waste	Free	Free.
A*	304.48	Processed	8% ad val	20% ad val.
		Sunn:		
	304.50	Raw, waste, and advanced waste	Free	Free.
	304.52	Processed	4% ad val	20% ad val.
		Other:		
	304.56	Raw, waste, and advanced waste	Free	Free.
A*	304.58	Processed	4% ad val	20% ad val.
	305.02	Yarns and roving, of vegetable fibers (except cotton):		
		Of coir	Free	Free.
		Of flax, hemp, or ramie, or of any combination of these fibers:		
		Containing any flax:		
		Singles:		
	305.04	Measuring not over 270 yards per pound	4% ad val	20% ad val.
	305.06	Measuring over 270 yards but not over 18,000 yards per pound.	12.5% ad val.*	35% ad val.
	305.08	Measuring over 18,000 yards per pound	6% ad val	25% ad val.
		Plied:		
	305.09	Of flax and jute	6.5% ad val	40% ad val.
	305.10	Other	15% ad val.*	40% ad val.
		Other:		
		Singles:		
	305.12	Measuring not over 270 yards per pound	4% ad val	20% ad val.
	305.14	Measuring over 270, but not over 18,000 yards per pound.	17.5% ad val	35% ad val.
	305.16	Measuring over 18,000 yards per pound	6% ad val	40% ad val.
	305.18	Plied	8% ad val	40% ad val.
		Of jute:		
		Singles:		
A*	305.20	Measuring under 720 yards per pound	7.5% ad val	15% ad val.
A*	305.22	Measuring 720 yards or over per pound	11% ad val	22.5% ad val.
		Plied:		
A*	305.28	Measuring under 720 yards per pound	10% ad val	20% ad val.
A*	305.30	Measuring 720 yards or over per pound	12.5% ad val	25% ad val.
A*	305.40	Other	10% ad val	40% ad val.
	305.50	Chenille yarns, of vegetable fibers (except cotton)	10% ad val	40% ad val.

Subpart C—Wool and Related Animal Hair

Subpart C headnotes:

1. For the purposes of this subpart—

(a) the term "hair" is limited to hair of the camel, and to hair of the alpaca, cashmere goat, angora goat, and like hair of other animals including the llama, the vicuna, and the angora rabbit;

(b) the term "clean lb." in the rate columns means pound of clean yield;

(c) the term "clean yield", in the foregoing headnote, means the absolute clean content (i.e., all that portion of the merchandise which consists exclusively of wool or hair free of all vegetable and other foreign material, containing by weight 12 percent of moisture and 1.5 percent of material removable from the wool or hair by extraction with alcohol, and having an ash content of not over 0.5 percent by weight), less an allowance, equal by weight to 0.5 percent of the absolute clean content plus 60 percent of the vegetable matter present, but not exceeding 15 percent by weight of the absolute clean content, for wool or hair that would ordinarily be lost during commercial cleaning operations;

(d) wool or hair "on the skin" includes all skins or skin pieces from which wool or hair is commercially recoverable by any process (except wool or hair on the skin provided for in part 5B of schedule 1; except wool or hair on the skin which has been cleaned otherwise than by shaking, willowing, burr-picking, or washing with water only; and except tanned-skin scrap);

(e) wool or hair "in the grease" is wool or hair in its natural condition as separated from the animal or skin, whether or not cleaned by shaking, willowing, or burr-picking, but not otherwise cleaned;

(f) "washed" wool or hair is wool or hair, not on the skin, that has been washed, with water only, while on the animal's back or on the skin, whether or not cleaned by shaking, willowing, or burr-picking, but not otherwise cleaned;

See footnotes at end of table.

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS—Continued

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty	
			1	2

Subpart C—Wool and Related Animal Hair—Continued

Subpart C headnotes—Continued

(g) "scoured" wool or hair is wool or hair, whether or not on the skin (except wool or hair in the grease or washed) that has been cleaned by any process other than shaking, willowing, burr-picking, washing with water only, or carbonizing;

(h) "carbonized" wool or hair is wool or hair whether or not on the skin that has been cleaned by carbonizing in lieu of, or in addition to, any other cleaning process, whether or not neutralized or neutralized and dusted; and

(i) "sorted" wool or hair is wool or hair separated from each individual fleece according to length, soundness, elasticity, fineness, color, or other properties, but does not include a skirted fleece unless the back has been removed, and does not include skirtings.

2. The standards for determining grades of wool shall be those which are established from time to time by the Secretary of Agriculture pursuant to law and which are in effect on the date of importation of the wool.

3. For the purposes of item 307.40—

(a) the classification provisions for wool not finer than 40s shall apply to any package of wool containing not over 10 percent by weight of wool finer than 40s but not containing wool finer than 44s;

(b) the classification provisions for wool finer than 40s but not finer than 44s shall apply to any package of wool containing not over 10 percent by weight of wool finer than 44s but not containing wool finer than 46s; and

(c) the citation for imports classifiable under this item shall be such item number followed by the item number for the part of the contents of the package which determines the rate of duty.

4. For the purposes of item 306.00—

(a) a tolerance of not more than 10 percent of wools other than Karakul not finer than 44s may be allowed in each bale or package of wools imported as not finer than 40s, and a tolerance of not more than 10 percent of wools not finer than 48s may be allowed in each bale or package of wools imported as not finer than 46s;

(b) wool or hair shall not be released from customs custody unless the dealer, manufacturer, or processor files a bond to insure that any wool or hair entered thereunder shall be used only in the manufacture of the articles enumerated in the said item;

(c) a dealer, manufacturer, or processor may be relieved of liability under his bond with respect to any wool or hair entered under item 306.00 which is transferred in its imported or any other form to another dealer manufacturer, or processor who has filed a bond to insure that the merchandise so transferred shall be used only in the manufacture of the articles enumerated in item 306.00; and

(d) the Secretary of the Treasury is authorized to prescribe such regulations and the amounts, conditions, and forms of such bonds as may be necessary to carry into effect the provisions of item 306.00.

5. For the purposes of items 306.01, 306.02, 306.03, and 306.04, when wool or hair entered as provided for in item 306.00 is used, or transferred for use, otherwise than in the manufacture of the articles enumerated therein—

(a) the duties shall be paid by the dealer, manufacturer, or processor whose bond is charged with the wool or hair at the time of such use or transfer for such use, but such duties shall not be levied or collected on any merchandise which is destroyed or exported;

(b) if prior to such use or transfer for such use there shall have been combined or mixed with such wool or hair any other merchandise, the whole of the combination or mixture shall be regarded as being composed of wool or hair entered under item 306.00, unless the dealer, manufacturer, or processor liable for the payment of the duties shall establish the quantity of bonded wool or hair in such combination or mixture;

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS—Continued

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Wool and Related Animal Hair—Continued		
		Subpart C headnotes—Continued		
		(c) every dealer, manufacturer, or processor who has given a bond pursuant to the provisions of item 306.00 shall report any transfer or use of merchandise contrary to the terms of his bond, within 30 days after such transfer or use, to the collector of customs in whose district the bond is filed, and for failure to so report such dealer, manufacturer, or processor shall be liable to a penalty (in addition to the duties provided for) equal to the value of the merchandise so transferred or used at the time and place of such transfer or use; and		
		(d) the clean yield of any wool or hair provided for in item 306.04 shall be deemed to be 100 percent, unless the actual clean yield, as defined in headnote 1(c), supra, has been determined by suitable tests, and such use, or transfer for use, occurs not later than 3 years after the date of entry of such wool or hair.		
		6. The Secretary of the Treasury is hereby authorized and directed to prescribe methods and regulations for carrying out the provisions of this schedule relating to the duties on wool or hair. The Secretary of the Treasury is further authorized and directed to procure from the Secretary of Agriculture, and deposit in such customhouses and other places in the United States or elsewhere as he may designate, sets of the Official Standards of the United States for grades of wool. He is further authorized to display, in the customhouses of the United States, or elsewhere, numbered, but not otherwise identified, samples of imported wool or hair, to which are attached data as to clean yield and other pertinent facts, for the information of the trade and of customs officers.		
	306.00	Wools provided for in item 306.10, 306.11, 306.12, or 306.13, all other wools of whatever blood or origin not finer than 46s (except carbonized wools), and hair of the camel provided for in item 306.40, 306.41, 306.42, or 306.43, entered by a dealer, manufacturer, or processor for use only in the manufacture of camel hair belting, felt or knit boots, floor coverings, heavy fulled lumbermen's socks, press cloth, or papermakers' felts; and Karakul wools, and other wools of whatever blood or origin not finer than 40s, entered by a dealer, manufacturer, or processor for use only in the manufacture of pressed felt for polishing plate and mirror glass.	Free, under bond in accordance with headnote 4 of this subpart.	Free, under bond in accordance with headnote 4 of this subpart.
		Any of the wool or hair entered as provided for in item 306.00, if used, or transferred for use, in its imported or any other form in any manner otherwise than in the manufacture of the articles enumerated in the said item:		
	306.01	White soft wastes and white threads resulting during the usual course of manufacture of such enumerated articles.	87.5% of the regular duties applicable to wool or hair in like condition.	87.5% of the regular duties applicable to wool or hair in like condition.
	306.02	Noils resulting during the usual course of manufacture of such enumerated articles.	87.5% of the regular duties applicable to noils.	87.5% of the regular duties applicable to noils.
	306.03	Other merchandise resulting during the usual course of manufacture of such enumerated articles which cannot be used (with or without further preparation) in the usual course of manufacture of such enumerated articles.	Free	Free.
	306.04	Wool or hair other than a waste or byproduct described in any of the three foregoing items.	The regular duties applicable to wool or hair in the condition in which so used or transferred.	The regular duties applicable to wool or hair in the condition in which so used or transferred.
		Wool:		
		Aleppo, Arabian, Bagdad, Black Spanish, Chinese, Cordova, Cyprus, Donskoi, East Indian, Ecuadorean, Egyptian, Georgian, Haslock, Iceland, Kerry, Manchurian, Mongolian, Oporto, Persian, Pyrenean, Sardinian, Scotch Blackface, Sistan, Smyrna, Sudan, Syrian, Thibetan, Turkestan, Valparaiso, and Welsh Mountain wool; similar wool not improved by the admixture of merino or English blood; and other wool of whatever blood or origin not finer than 40s; all the foregoing:		
	306.10	On the skin	5.5¢ per clean lb	22¢ per clean lb.
		In the grease or washed:		
	306.11	Not sorted	6.5¢ per clean lb	24¢ per clean lb.
	306.12	Sorted	7¢ per clean lb	25¢ per clean lb.
	306.13	Scoured	8¢ per clean lb	27¢ per clean lb.
	306.14	Carbonized	11.5¢ per lb	34¢ per lb.

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS—Continued

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Wool and Related Animal Hair—Continued		
		Wool—Continued		
		Other wool:		
		Finer than 40s but not finer than 44s:		
	306.20	On the skin	7.5¢ per clean lb	27¢ per clean lb.
		In the grease or washed:		
	306.21	Not sorted	8.5¢ per clean lb	29¢ per clean lb.
	306.22	Sorted	9¢ per clean lb	30¢ per clean lb.
	306.23	Scoured	10¢ per clean lb	32¢ per clean lb.
	306.24	Carbonized	13.5¢ per lb	39¢ per lb.
		Finer than 44s:		
	306.30	On the skin	12¢ per clean lb	32¢ per clean lb.
		In the grease or washed:		
	306.31	Not sorted	25.5¢ per clean lb	34¢ per clean lb.
	306.32	Sorted	26.25¢ per clean lb	35¢ per clean lb.
	306.33	Scoured	27.75¢ per clean lb	37¢ per clean lb.
	306.34	Carbonized	33¢ per lb	44¢ per lb.
		Hair of animals:		
		Hair of the camel:		
	306.40	On the skin	11¢ per clean lb	22¢ per clean lb.
		In the grease or washed:		
	306.41	Not sorted	12¢ per clean lb	24¢ per clean lb.
A	306.42	Sorted	12.5¢ per clean lb	25¢ per clean lb.
	306.43	Scoured	13¢ per clean lb	27¢ per clean lb.
	306.44	Carbonized	17¢ per lb	34¢ per lb.
		Hair of the alpaca, and like hair of other animals including the hair of the llama, and vicuna:		
	306.50	On the skin	Free	32¢ per clean lb.
		In the grease or washed:		
	306.51	Not sorted	Free	34¢ per clean lb.
A*	306.52	Sorted	3¢ per clean lb	35¢ per clean lb.
	306.53	Scoured	4¢ per clean lb	37¢ per clean lb.
	306.54	Carbonized	5¢ per lb	44¢ per lb.
		Hair of the cashmere goat and like hair of other animals:		
A	306.60	On the skin	8¢ per clean lb	16¢ per clean lb.
		In the grease or washed:		
A	306.61	Not sorted	9¢ per clean lb	18¢ per clean lb.
	306.62	Sorted	9¢ per clean lb	19¢ per clean lb.
	306.63	Scoured	10¢ per clean lb	21¢ per clean lb.
	306.64	Carbonized	14¢ per lb	28¢ per lb.
		Hair of the angora goat and like hair of other animals (except the angora rabbit):		
A	306.70	On the skin	10¢ per clean lb	32¢ per clean lb.
		In the grease or washed:		
A	306.71	Not sorted	11¢ per clean lb	34¢ per clean lb.
A	306.72	Sorted	11¢ per clean lb	35¢ per clean lb.
	306.73	Scoured	12.5¢ per clean lb	37¢ per clean lb.
	306.74	Carbonized	16¢ per lb	44¢ per lb.
		Hair of the angora rabbit:		
A	306.80	On the skin	16¢ per clean lb	32¢ per clean lb.
		In the grease or washed:		
A	306.81	Not sorted	17¢ per clean lb	34¢ per clean lb.
A	306.82	Sorted	17¢ per clean lb	35¢ per clean lb.
	306.83	Scoured	18¢ per clean lb	37¢ per clean lb.
	306.84	Carbonized	22¢ per lb	44¢ per lb.
		Waste of wool or hair and advanced waste of wool or hair:		
		Burr and card waste, whether or not advanced:		
A	307.02	Not advanced	4.5¢ per lb	16¢ per lb.
A	307.04	Advanced	7¢ per lb	23¢ per lb.
		Noils, whether or not advanced:		
A	307.06	Not advanced	6¢ per lb	23¢ per lb.
	307.08	Advanced	8¢ per lb	30¢ per lb.
	307.10	Top, slubbing, roving, and ring waste, whether or not advanced.	14¢ per lb	37¢ per lb.
	307.12	Fibers, pickered, garnetted, or pickered and garnetted, whether or not otherwise advanced.	6.5¢ per lb	26¢ per lb.
A	307.16	Yarn waste, whether or not advanced, but not including such wastes pickered, garnetted, or pickered and garnetted.	5¢ per lb	25¢ per lb.
	307.18	Other	4.5¢ per lb	24¢ per lb.
	307.30	Flock, fibers recovered from tanned-skin scrap, and fibers cut to length, all the foregoing, of wool or hair, not spinnable.	3.5¢ per lb	8¢ per lb.
	307.40	Any package containing wool or hair, including waste and advanced waste of wool or hair, subject to different rates of duty.	Except as provided in headnote 3 of this subpart, the highest column 1 rate applicable to any part of the contents of the package comprising not less than 5 percent thereof by weight.	Except as provided in headnote 3 of this subpart, the highest column 2 rate applicable to any part of the contents of the package comprising not less than 5 percent thereof by weight.

See footnotes at end of table.

Part 1—Textile Fibers and Wastes; Yarns and Threads—Continued

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Subpart C—Wool and Related Animal Hair—Continued		
		Fibers of wool or hair processed in any manner beyond the washed, scoured, or carbonized condition (including tops), but not spun:		
	307.50	Tops	27.75¢ per lb.+6.25% ad val.	37¢ per lb.+20% ad val.
	307.52	Other	27.75¢ per lb.+6.25% ad val.	37¢ per lb.+20% ad val.
		Yarns of wool or hair:		
	307.60	Yarns of wool, colored, and cut into uniform lengths of not over 3 inches, in immediate packages or containers not over 6 ounces in weight including the weight of the immediate package or container.	Free	Free.
		Other:		
	307.62	Of angora rabbit hair	20¢ per lb.+5% ad val.	40¢ per lb.+50% ad val.
	307.64	Other	30¢ per lb.+15% ad val.	40¢ per lb.+50% ad val.
		Subpart D—Silk		
	308.02	Silk cocoons suitable for reeling	Free	Free.
		Raw silk, and such silk processed but not made into yarns:		
	308.04	Raw silk, in skeins, as reeled from the cocoon, or as rereeled, but not processed.	Free	Free.
A	308.06	Other	7% ad val	35% ad val.
		Waste and advanced waste, of silk, and fibers of silk processed but not spun:		
		Waste, not advanced:		
A	308.10	Noils containing over 50 percent by weight of fibers over 2 inches in length.	7% ad val	35% ad val.
	308.12	Other waste	Free	Free.
		Roving:		
A	308.16	Not bleached and not colored	8.5% ad val	40% ad val.
A	308.18	Bleached or colored	10% ad val	50% ad val.
A	308.20	Other	7% ad val	35% ad val.
		Yarns, of silk:		
		Wholly of continuous silk fibers:		
A*	308.30	Not more advanced than organzine, singles, or tram.	10% ad val	20% ad val.
A	308.35	Other	10% ad val	40% ad val.
		Wholly of noncontinuous silk fibers:[3]		
		Singles:		
A	308.40	Not bleached and not colored	8.5% ad val	40% ad val.
		Bleached or colored:		
A	308.45	Not colored, measuring over 58,800 yards per pound.	12.5% ad val	50% ad val.
A	308.47	Other	10% ad val	50% ad val.
		Plied:		
A	308.50	Not colored, measuring over 29,400 yards per pound.	12.5% ad val	50% ad val.
A	308.51	Other	10% ad val	50% ad val.
A	308.55	Wholly of silk, but in part continuous and in part noncontinuous fibers.	10% ad val	40% ad val.
		In chief value, but not wholly, of silk:		
		Wholly of manmade fibers and noncontinuous silk fibers:		
		Singles:		
	308.60	Not bleached and not colored	8.5% ad val	40% ad val.
		Bleached or colored:		
	308.65	Not colored, measuring over 58,800 yards per pound.	12.5% ad val	50% ad val.
	308.66	Other	10% ad val	50% ad val.
		Plied:		
	308.70	Not colored, measuring over 29,400 yards per pound.	12.5% ad val	50% ad val.
	308.71	Other	10% ad val	50% ad val.
	308.75	Other	13.5% ad val	65% ad val.
	308.80	Chenille yarns of silk	13.5% ad val	65% ad val.
A	308.90	Yarns put up for handwork, and sewing threads, of silk	10% ad val	40% ad val.

Subpart E—Manmade Fibers

Subpart E headnotes:

1. The provisions of this subpart do not cover—

(i) metal filaments, strips, or fibers;

(ii) paper filaments, strips, or fibers;

(iii) Natural rubber filaments, strips, or fibers;

(iv) synthetic rubber strips (in continuous or noncontinuous form);

(v) nonmetallic mineral filaments, strips, or fibers, except as set forth in 2(c) infra;

(vi) sterile surgical sutures and suture materials, provided for in part 13C of schedule 4;

(vii) strings for musical instruments (see part 3B of schedule 7);

See footnotes at end of table.

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS—Continued

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2

Subpart E—Manmade Fibers—Continued

Subpart E headnotes—Continued

(viii) fishing line put up and packaged for retail sale (see part 5B of schedule 7);

(ix) racket strings put up and packaged for retail sale (see part 5D of schedule 7); or

(x) brush bristles provided for in part 12C of schedule 7.

2. (a) For the purposes of the tariff schedules, the term "manmade fibers" refers to the filaments, strips, and fibers covered in this subpart.

(b) Subject to the limitations set forth in headnotes 1 and 3 of this subpart, the respective provisions in this subpart for filaments, strips, and fibers cover such articles whether they are formed by extrusion or by other processes from substances derived by man from cellulosic or noncellulosic materials by chemical processes, such as, but not limited to, polymerization and condensation;

(c) The provisions of this subpart applicable to grouped filaments and fibers include grouped glass filaments and glass fibers produced therefrom, suitable for the manufacture of yarns, cordage, or woven fabrics. For the purposes of the provisions of the tariff schedules applicable to articles of manmade fibers, glass filaments and glass fibers shall be treated as manmade fibers only if they have been made into yarns or cordage, or if they are present in fabrics or other articles in the form of yarns or cordage.

3. For the purposes of this subpart—

(a) the term "filaments" embraces monofilaments, plexiform filaments, and grouped filaments, however produced;

(b) the term "monofilaments" embraces single filaments (including single filaments of laminated construction or produced from two or more filaments fused, or bonded together), whether solid or hollow, whether flat, oval, round, or of any other cross-sectional configuration, which are not over 0.06 inch in maximum cross-sectional dimension;

(c) the term "plexiform filaments" embraces flexible filaments each of which consists of a network or plexus of fine fibers and which are suitable for the manufacture of textiles;

(d) the term "strips" embraces strips (including strips of laminated construction), whether or not folded lengthwise, twisted, or crimped, which in unfolded, untwisted, and uncrimped condition are over 0.06 inch but not over one inch in width and are not over 0.01 inch in thickness;

(e) the term "grouped filaments and strips" embraces two or more filaments or strips, as defined in (a), (b), (c), and (d) of this headnote, grouped together with the filaments or strips substantially parallel and not twisted, but the term does not include grouped filaments which have been subjected to processes such as twisting and untwisting, false twisting, crimping, and curling, and which are useable as yarns;

(f) the term "fibers" includes filaments and strips, as defined above, in noncontinuous form, and any other fibrous structure suitable for the manufacture of textiles;

(g) the term "in continuous form", as used with reference to filaments and strips, refers to such articles when over 30 inches in length;

(h) the term "in noncontinuous form", as used with reference to filaments and strips, means such articles when 30 inches or less in length; and

(i) the term "denier" means the weight in grams for a length of 9,000 meters.

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Monofilaments (in continuous form), with or without twist, whether known as monofils, artificial horsehair, artificial straw, yarns, or by any other name:		
		Not over 150 denier:		
	309.02	Valued not over 80 cents per pound	20¢ per lb	40¢ per lb.
	309.03	Valued over 80 cents per pound	25% ad val	50% ad val.
		Over 150 denier:		
	309.05	Valued not over 85 cents per pound	15¢ per lb	43¢ per lb.
	309.06	Valued over 85 cents per pound	17.5% ad val	50% ad val.
	309.10	Plexiform filaments (in continuous form), whether known as yarns or by any other name.	12¢ per lb.+15% ad val	45¢ per lb.+65% ad val.

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS—Continued

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Manmade Fibers—Continued		
		Strips (in continuous form), whether known as artificial straw, yarns, or by any other name:		
		Not laminated:		
	309.20	Valued not over $1 per pound	12.5¢ per lb	45¢ per lb.
	309.21	Valued over $1 per pound	12.5% ad val	45% ad val.
	309.25	Laminated	12.5¢ per lb.+15% ad val	45¢ per lb.+65% ad val.
		Grouped filaments and strips (in continuous form), whether known as tow, yarns, or by any other name:		
		Wholly of grouped filaments (except laminated filaments and plexiform filaments):		
		Of glass:		
	309.28	Not colored	10.5% ad val	50% ad val.
	309.29	Colored	15% ad val	60% ad val.
		Other:		
	309.30	Valued not over 80 cents per pound	8.5¢ per lb	40¢ per lb.
	309.31	Valued over 80 cents per pound	10.5% ad val	45% ad val.
	309.35	Other	12¢ per lb.+15% ad val	45¢ per lb.+ 65% ad val.
		Fibers (in noncontinuous form), whether known as cut fiber, staple, or by any other name, not carded, not combed, and not otherwise processed:		
		Wholly of filaments (except laminated filaments and plexiform filaments):		
	309.41	Nylon, over 2 but not over 8 inches in length, essentially round in cross section and over 0.008 but not over 0.020 inch in maximum cross-sectional measurement, not crimped.	1¢ per lb	3¢ per lb.
	309.43	Other	7.5% ad val	25% ad val.
	309.50	Other	12.5¢ per lb.+15% ad val	45¢ per lb.+65% ad val.
		Waste, and advanced waste, of manmade fibers:		
		Not advanced:		
	309.60	Noils	6% ad val	25% ad val.
		Other:		
	309.65	Of cellulose acetate	3.7¢ per lb	50¢ per lb.
	309.66	Other	2.5% ad val	10% ad val.
		Advanced:		
	309.70	Garnetted fibers	2.5¢ per lb. + 6% ad val	10¢ per lb. + 25% ad val.
	309.75	Other	7.5% ad val	25% ad val.
		Textile fibers, of manmade fibers, carded, combed, or otherwise processed but not spun:		
	309.80	In chief value, but not wholly, of manmade fibers	12¢ per lb. + 15% ad val	45¢ per lb. + 65% ad val.
	309.90	Wholly of manmade fibers	2.5¢ per lb. + 7.5% ad val	10¢ per lb. + 30% ad val.
		Yarns of manmade fibers:		
		Of glass:		
	309.98	Not colored	10.5% ad val	50% ad val.
	309.99	Colored	15% ad val	60% ad val.
		Other:		
		Wholly of continuous manmade fibers (multifilament yarns):		
		Singles:		
		With twist but not over 20 turns per inch:		
	310.01	Valued not over $1 per pound	12.5¢ per lb	50¢ per lb.
	310.02	Valued over $1 per pound	16% ad val	50% ad val.
		With over 20 turns per inch:		
	310.05	Valued not over $1 per pound	25¢ per lb	$1 per lb.
	310.06	Valued over $1 per pound	11¢ per lb. + 12.5% ad val	45¢ per lb. + 50% ad val.
		Plied:		
		With not over 20 turns per inch in the final twist:		
	310.10	Valued not over $1 per pound	16¢ per lb	65¢ per lb.
	310.11	Valued over $1 per pound	13.5% ad val	55% ad val.
		With over 20 turns per inch in the final twist:		
	310.20	Valued not over $1 per pound	25¢ per lb	$1 per lb.
	310.21	Valued over $1 per pound	11¢ per lb. + 13.5% ad val	45¢ per lb. + 55% ad val.
		Wholly of noncontinuous manmade fibers:		
	310.40	Singles	3.1¢ per lb. + 11% ad val	12.5¢ per lb. + 45% ad val.
	310.50	Plied	3¢ per lb. + 12.5% ad val	13.5¢ per lb. + 50% ad val.
	310.60	Other	12¢ per lb. + 15% ad val	45¢ per lb. + 65% ad val.
	310.80	Chenille yarns, of manmade fibers	12¢ per lb. + 15% ad val	45¢ per lb. + 65% ad val.
		Yarns put up for handwork, and sewing threads, of manmade fibers:		
	310.90	Valued not over 90 cents per pound	20¢ per lb	50¢ per lb.
	310.91	Valued over 90 cents per pound	22% ad val	55% ad val.
		Subpart F—Miscellaneous Textile Materials		
		Subpart F headnote:		
		1. For the purposes of the tariff schedules—		
		(a) the term "metalized yarns" means yarns, in chief value, but not wholly, of tinsel wire or lame; and		

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS—Continued

[28 F.R. 8731]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart F—Miscellaneous Textile Materials—Continued		
		Subpart F headnotes—Continued (b) the term "yarns, of paper" or "paper yarns" means paper which is in the form of strips not over 0.06 inch in width, or in the form of filaments made from strips by lengthwise rolling or folding, by twisting, or by similar processes, whether or not coated or impregnated with other materials, and which is suitable for making woven fabrics.		
A	312.10	Tops, roving and yarns, all the foregoing of animal hair (including human hair but not including wool and hair provided for in subpart C of this part).	5% ad val	20% ad val.
A	312.30	Metalized yarns	3¢ per lb. + 5% ad val	6¢ per lb. + 35% ad val.
A	312.40	Yarns, of paper	8.5% ad val	35% ad val.
A	312.50	Yarns, not specially provided for	10% ad val	40% ad val.

AMENDMENTS

Subpart C, headnote 4, par. (a) amended by Pub. L. 88-331, § 1(b), (c), June 30, 1964, 78 Stat. 226, to apply with respect to articles entered, withdrawn from warehouse, for consumption on or after June 30, 1964.

Item 305.14 amended by Pub. L. 89-241, §§ 2(a), 16(a), Oct. 7, 1965, 79 Stat. 933, 936, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 306.00 amended by Pub. L. 88-331, or § 1(a), (c), June 30, 1964, 78 Stat. 226, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after June 30, 1964.

TEXTURED YARNS; CLASSIFICATION STUDY; REPORT TO CONGRESS

Pub. L. 89-299, § 2, Oct. 1, 1965, 79 Stat. 901, directed the President to cause a study of the feasibility and desirability of separate classification in the Tariff Schedules for those yarns of man-made fibers, and to report the results of the study to the Congress not later than Feb. 1, 1966.

ENTRIES AND WITHDRAWALS PRIOR TO JUNE 30, 1964 OF CERTAIN WOOLS

Pub. L. 88-331, § 1(c), June 30, 1964, 78 Stat. 226, permitted certain wools which were entered or withdrawn on or after Nov. 2, 1962, and before June 30, 1964, to be liquidated or reliquidated as though such entries and withdrawals had been made on June 30, 1964.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 300.60, 301.01 to 301.60, 301.70, 301.80, 301.82, 301.84, 301.86, 301.88, 301.92, 301.94, 301.96, 301.98, 302, 303.10, 303.20, 304.04, 304.10, 304.12, 304.14, 304.16, 304.18, 304.20, 304.24, 304.26, 304.34, 304.36, 304.40, 304.44, 304.52, 304.58, 305.04, 305.06, 305.08, 305.09, 305.10, 305.12, 305.16, 305.18, 305.20, 305.22, 305.28, 305.30, 305.40, 305.50, 306.10 to 306.14, 306.20 to 306.24, 306.30, 306.40 to 306.44, 306.50 to 306.54, 306.60 to 306.64, 306.70 to 306.74, 306.80 to 306.84, 307.02, 307.04, 307.06, 307.08, 307.10, 307.12, 307.16, 307.18, 307.62, 308.06, 308.10, 308.16, 308.18, 308.20, 308.35, 308.40, 308.45, 308.47, 308.50, 308.51, 308.55, 308.60, 308.65, 308.66, 308.70, 308.71, 308.75, 308.80, 308.90, 309.02, 309.03, 309.05, 309.06, 309.10, 309.20, 309.21, 309.25, 309.28 to 309.31, 309.35, 309.41, 309.43, 309.50, 309.60, 309.65, 309.66, 309.70, 309.75, 309.80, 309.90, 309.98, 309.99, 310.01, 310.02, 310.05, 310.06, 310.10, 310.11, 310.20, 310.21, 310.40, 310.50, 310.60, 310.80, 312.10, 312.30, 312.40 and 312.50, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 2—CORDAGE

[28 FR 8747]

GSP	Item	Articles	Rates of Duty	
			1	2
		Part 2 headnotes: 1. For the purposes of this part— (a) the term "cordage" means assemblages of textile fibers or yarns, in approximately cylindrical form and of continuous length, whether or not bleached, colored, or treated, designed and chiefly used as an end product, and comprising cable, rope, cord, and twine, but the term does not include— (i) yarns (see part 1 of this schedule), or (ii) braids or elastic articles (see part 4A of this schedule and part 1B of schedule 7); (b) Cordage "of stranded construction" is cordage composed of 3 or more strands composed of 2 or more yarns each, whether or not containing a core; (c) the term "hard (leaf) fibers" means fibers obtained from the leaf or leaf stems of monocotyledonous plants (e.g., abaca, sisal, and henequen);		

PART 2—CORDAGE—Continued

[28 F.R. 8747]

GSP	Item	Articles	Rates of Duty 1	Rates of Duty 2
		Part 2 headnotes—Continued		
		(d) the term "bleached, colored, or treated" means that the condition of the cordage or any of its constituent fibers or yarns has been affected by bleaching or coloring processes; by surface treatments such as polishing, glazing, coating, or filling; or by the application of grease or other nonfibrous substances (except oil) for any purpose, including rendering the cordage more able to withstand or repel fire, insects, rodents, mildew or rot;		
		(e) the term "binder twine and baler twine" (item 315.20) means a single-ply twine measuring over 150 but not over 750 feet per pound, containing 8 percent or more by weight of added nonfibrous substances such as oil, grease, or repellents, and chiefly used with harvesting machines or baling machines for binding or tying of grains or for baling hay, straw, and other fodder or bedding materials.		
		Cordage:		
		Of vegetable fibers:		
		Of cotton:		
	315.05	Not of stranded construction	20% ad val	35% ad val.
		Of stranded construction:		
	315.10	Measuring under 3/16 inch in diameter	20% ad val	35% ad val.
	315.15	Measuring 3/16 inch or over in diameter	20% ad val	40% ad val.
		Of hard (leaf) fibers:		
		Not of stranded construction:		
	315.20	Binder twine and baler twine	Free	Free.
	315.25	Other	15% ad val	40% ad val.
		Of stranded construction:		
	315.30	Measuring under 3/16 inch in diameter	7.5% ad val	40% ad val.
		Measuring 3/16 or over but under 3/4 inch in diameter:		
	315.35	Of abaca	2¢ per lb. + 10% ad val	2¢ per lb. + 15% ad val.
	315.40	Of sisal, of henequen, or of sisal and henequen.	1¢ per lb. + 7.5% ad val	2¢ per lb. + 15% ad val.
	315.41	If product of Cuba	0.8¢ per lb. + 6% ad val.(s)	
	315.45	Other	2¢ per lb. + 15% ad val	2¢ per lb. + 15% ad val.
		Measuring 3/4 inch or over in diameter:		
	315.50	Of abaca	2¢ per lb	2¢ per lb.
	315.55	Of sisal, of henequen, or of sisal and henequen.	1¢ per lb	2¢ per lb.
	315.56	If product of Cuba	0.8¢ per lb (s)	
	315.60	Other	2¢ per lb	2¢ per lb.
		Of coir:		
	315.70	Not of stranded construction	Free	Free.
A	315.75	Of stranded construction	10% ad val	40% ad val.
		Of jute:		
		Not bleached, not colored, and not treated:		
	315.80	The singles yarn of which measures under 720 yards per pound.	10% ad val	20% ad val.
	315.85	The singles yarn of which measures 720 yards or over per pound.	12.5% ad val	25% ad val.
		Bleached, colored, or treated;		
	315.90	The singles yarn of which measures under 720 yards per pound.	10.5% ad val	21% ad val.
	315.95	The singles yarn of which measures 720 yards or over per pound.	13% ad val	26% ad val.
		Other:		
		Not of stranded construction:		
	316.05	Of flax	15% ad val.*	40% ad val.
	316.10	Other	8% ad val	40% ad val.
		Of stranded construction:		
		Measuring under 3/16 inch in diameter:		
	316.20	Of flax	15% ad val.*	40% ad val.
	316.25	Other	8% ad val	40% ad val.
	316.30	Measuring 3/16 inch or over in diameter	3% ad val	10% ad val.
	316.40	Of wool	16% ad val	50% ad val.
A*	316.50	Of silk	13.5% ad val	65% ad val.
	316.60	Of manmade fibers	12.5¢ per lb. + 15% ad val.	45¢ per lb. + 65% ad val.
A	316.70	Other	8.5% ad val	40% ad val.

See footnotes at end of table.

AMENDMENTS

Headnote 2 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 315.05, 315.10, 315.30, 315.75, 315.80, 315.85, 315.90, 315.95, 316.05, 316.10, 316.20, 316.25, 316.30, 316.40, 316.50, 316.60 and 316.70, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 3—WOVEN FABRICS

[28 F.R. 8749]

GSP	Item	Articles	Rates of Duty	
			1	2

Part 3 headnote:

1. This part covers all woven fabrics in the piece, of any width and with or without fast edges, including gauze and leno-woven fabrics, but does not include—

(i) any woven fabrics which are specially provided for in the provisions of part 4 of this schedule;

(ii) certain wool fabric samples (see part 7A of this schedule); or

(iii) woven fabrics in item 748.10 or part 7B of schedule 7.

Subpart A—Woven Fabrics, of Cotton

Subpart A headnotes:

1. (a) In the ascertainment of the condition of the fabrics or yarns upon which the duties imposed upon cotton fabrics are made to depend, the entire fabric and all parts thereof shall be included.

(b) the term "number", as applied to woven fabrics of cotton, means the average yarn number of the yarns contained therein. In computing the average yarn number, the length of the yarn is considered to be equal to the distance covered by it in the fabric in the condition as imported, with all clipped yarn being measured as if continuous, and with the count being taken of the total single yarns in the fabric including the single yarns in any plied yarns. The weight shall be taken after any excessive sizing is removed by boiling or other suitable process. Any one of the following formulas can be used to determine the average yarn number for tariff purposes:

$N=(BYT/840)$, or $(24T/35Z')$, or $(2BT/105Z)$, or $(3ST/70)$

when:

N is the average yarn number,
B is the breadth (width) of the fabric in inches,
Y is the yards (linear) of fabric per pound,
T is the total single yarns per square inch,
S is the square yards of fabric per pound,
Z is the ounces per linear yard of fabric, and
Z' is the ounces per square yard of fabric.

2. In this subpart, each of the rates of duty provided for fabric, wholly of cotton, not fancy or figured, and not bleached and not colored (items 319.21 through 319.25 and items 320.01 through 320.98, both inclusive) is also the "base rate" for fabrics of the same average yarn number covered by items 319.27 and 319.29, and by items 321.- through 331.-, inclusive, respectively. For citation purposes, the two blanks on the end of each of the latter item numbers shall be filled in with the last two digits of the item number for the applicable base rate. Thus, "item 324.45" would be the citation for woven fabrics, wholly of cotton, of number 45, fancy or figured, and bleached but not colored.

3. The term "fancy or figured", as used in this subpart in relation to fabrics, means fabrics which have been woven with 2 or more colors or kinds of filling; with 8 or more harnesses; or with jacquard, lappet, or swivel attachments; or by any combination of these weaving methods.

4. With respect only to the fabrics provided for in items 319.21 through 319.25 and 320.01 through 320.98, none of the ad valorem rates of duty, or the ad valorem parts of the compound rates of duty, shall be less than the equivalent of—

(i) 0.23 cent per number per pound in rate column 1 for items 320.01 through 320.98;

(ii) 0.3 cent per number per pound in rate column 1 for items 319.21 through 319.25; and

(iii) 0.55 cent per number per pound in rate column 2 for items 319.21 through 319.25 and 320.01 through 320.98.

PART 3—WOVEN FABRICS—Continued

[28 F.R. 8749]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Woven Fabrics, of Cotton—Continued		
		Woven fabrics, wholly of cotton:		
		Colored, whether or not bleached and whether or not fancy or figured, and made on a hand loom (i.e., a nonpower-driven loom) by a cottage industry, and which prior to exportation have been certified by an official of a government agency of the country where the fabrics were produced to have been so made:		
A*	319.01	Of number 14 or coarser	9% ad val	The rate that would apply in the absence of this item.
A*	319.03	Of numbers 15 to 34	11.5% ad val	The rate that would apply in the absence of this item.
A*	319.05	Of numbers 35 to 49	13% ad val	The rate that would apply in the absence of this item.
A*	319.07	Of numbers 50 to 59	14.5% ad val	The rate that would apply in in the absence of this item.
		Suitable for making typewriter ribbon, not fancy or figured, containing yarns the average number of which exceeds 50 but not 140, the total thread count (treating ply yarns as single threads) of which per square inch, counting warp and filling, is not less than 240 and not more than 340, and in which the thread count of either the warp or filling does not exceed 60 percent of the total thread count of the warp and filling:		
		Not bleached and not colored:		
	319.21	Of numbers 51 to 59	7.5% ad val.+0.25% ad val. for each number.	10% ad val.+0.35% ad val. for each number.
	319.23	Of numbers 60 to 79	5¢ per lb.+7.5% ad val. +0.25% ad val, for each number.	10¢ per lb.+10% ad val. +0.35% ad val. for each number.
	319.25	Of numbers 80 to 140	5¢ per lb.+27.5% ad val.	10¢ per lb.+41.5% ad val.
	319.27	Bleached, but not colored	Base rate+2.5% ad val	Base rate+3% ad val.
	319.29	Colored, whether or not bleached	Base rate+4.5% ad val	Base rate+6% ad val.
		Woven fabrics other than the foregoing, wholly of cotton:		
		Not fancy or figured:		
		Not bleached and not colored:		
	320.01	Of number 1 or coarser	5.9% ad val	10.35% ad val.
	320.02	Of number 2	6.09% ad val	10.70% ad val.
	320.03	Of number 3	6.28% ad val	11.05% ad val.
	320.04	Of number 4	6.47% ad val	11.40% ad val.
	320.05	Of number 5	6.66% ad val	11.75% ad val.
	320.06	Of number 6	6.85% ad val	12.10% ad val.
	320.07	Of number 7	7.04% ad val	12.45% ad val.
	320.08	Of number 8	7.23% ad val	12.80% ad val.
	320.09	Of number 9	7.42% ad val	13.15% ad val.
	320.10	Of number 10	7.61% ad val	13.50% ad val.
	320.11	Of number 11	7.8% ad val	13.85% ad val.
	320.12	Of number 12	7.99% ad val	14.20% ad val.
	320.13	Of number 13	8.18% ad val	14.55% ad val.
	320.14	Of number 14	8.37% ad val	14.90% ad val.
	320.15	Of number 15	8.56% ad val	15.25% ad val.
	320.16	Of number 16	8.75% ad val	15.60% ad val.
	320.17	Of number 17	8.94% ad val	15.95% ad val.
	320.18	Of number 18	9.13% ad val	16.30% ad val.
	320.19	Of number 19	9.32% ad val	16.65% ad val.
	320.20	Of number 20	9.51% ad val	17.00% ad val.
	320.21	Of number 21	9.7% ad val	17.35% ad val.
	320.22	Of number 22	9.89% ad val	17.70% ad val.
	320.23	Of number 23	10.88% ad val	18.05% ad val.
	320.24	Of number 24	10.27% ad val	18.40% ad val.
	320.25	Of number 25	10.46% ad val	18.75% ad val.
	320.26	Of number 26	10.65% ad val	19.10% ad val.
	320.27	Of number 27	10.84% ad val	19.45% ad val.
	320.28	Of number 28	11.03% ad val	19.80% ad val.
	320.29	Of number 29	11.22% ad val	20.15% ad val.
	320.30	Of number 30	11.41% ad val	20.50% ad val.
	320.31	Of number 31	11.6% ad val	20.85% ad val.
	320.32	Of number 32	11.79% ad val	21.20% ad val.
	320.33	Of number 33	11.98% ad val	21.55% ad val.
	320.34	Of number 34	12.17% ad val	21.90% ad val.
	320.35	Of number 35	12.36% ad val	22.25% ad val.

See footnotes at end of table.

PART 3—WOVEN FABRICS—Continued

[28 F.R. 8749]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Woven Fabrics, of Cotton—Continued		
		Woven fabrics other than the foregoing, etc.—Continued		
		Not fancy or figured—Continued		
		Not bleached and not colored—Continued		
	320.36	Of number 36	12.55% ad val	22.60% ad val.
	320.37	Of number 37	12.74% ad val	22.95% ad val.
	320.38	Of number 38	12.93% ad val	23.30% ad val.
	320.39	Of number 39	13.12% ad val	23.65% ad val.
	320.40	Of number 40	13.31% ad val	24.00% ad val.
	320.41	Of number 41	13.5% ad val	24.35% ad val.
	320.42	Of number 42	13.69% ad val	24.70% ad val.
	320.43	Of number 43	13.88% ad val	25.05% ad val.
	320.44	Of number 44	14.07% ad val	25.40% ad val.
	320.45	Of number 45	14.26% ad val	25.75% ad val.
	320.46	Of number 46	14.45% ad val	26.10% ad val.
	320.47	Of number 47	14.64% ad val	26.45% ad val.
	320.48	Of number 48	14.82% ad val	26.80% ad val.
	320.49	Of number 49	15.02% ad val	27.15% ad val.
	320.50	Of number 50	15.21% ad val	27.50% ad val.
	320.51	Of number 51	15.4% ad val	27.85% ad val.
	320.52	Of number 52	15.59% ad val	28.20% ad val.
	320.53	Of number 53	15.78% ad val	28.55% ad val.
	320.54	Of number 54	15.97% ad val	28.90% ad val.
	320.55	Of number 55	16.16% ad val	29.25% ad val.
	320.56	Of number 56	16.35% ad val	29.60% ad val.
	320.57	Of number 57	16.54% ad val	29.95% ad val.
	320.58	Of number 58	16.73% ad val	30.30% ad val.
	320.59	Of number 59	16.92% ad val	30.65% ad val.
	320.60	Of number 60	3.8¢ per lb. + 17.11% ad val.	10¢ per lb. + 31.00% ad val.
	320.61	Of number 61	3.8¢ per lb. + 17.3% ad val	10¢ per lb. + 31.35% ad val.
	320.62	Of number 62	3.8¢ per lb. + 17.49% ad val.	10¢ per lb. + 31.70% ad val.
	320.63	Of number 63	3.8¢ per lb. + 17.68% ad val.	10¢ per lb. + 32.05% ad val.
	320.64	Of number 64	3.8¢ per lb. + 17.87% ad val.	10¢ per lb. + 32.40% ad val.
	320.65	Of number 65	3.8¢ per lb. + 18.06% ad val.	10¢ per lb. + 32.75% ad val.
	320.66	Of number 66	3.8¢ per lb. + 18.25% ad val.	10¢ per lb. + 33.10% ad val.
	320.67	Of number 67	3.8¢ per lb. + 18.44% ad val.	10¢ per lb. + 33.45% ad val.
	320.68	Of number 68	3.8¢ per lb. + 18.63% ad val.	10¢ per lb. + 33.80% ad val.
	320.69	Of number 69	3.8¢ per lb. + 18.82% ad val.	10¢ per lb. + 34.15% ad val.
	320.70	Of number 70	3.8¢ per lb. + 19.01% ad val.	10¢ per lb. + 34.50% ad val.
	320.71	Of number 71	3.8¢ per lb. + 19.2% ad val	10¢ per lb. + 34.85% ad val.
	320.72	Of number 72	3.8¢ per lb. + 19.39% ad val.	10¢ per lb. + 35.20% ad val.
	320.73	Of number 73	3.8¢ per lb. + 19.58% ad val.	10¢ per lb. + 35.55% ad val.
	320.74	Of number 74	3.8¢ per lb. + 19.77% ad val.	10¢ per lb. + 35.90% ad val.
	320.75	Of number 75	3.8¢ per lb. + 19.96% ad val.	10¢ per lb. + 36.25% ad val.
	320.76	Of number 76	3.8¢ per lb. + 20.15% ad val.	10¢ per lb. + 36.60% ad val.
	320.77	Of number 77	3.8¢ per lb. + 20.34% ad val.	10¢ per lb. + 36.95% ad val.
	320.78	Of number 78	3.8¢ per lb. + 20.53% ad val.	10¢ per lb. + 37.30% ad val.
	320.79	Of number 79	3.8¢ per lb. + 20.72% ad val.	10¢ per lb. + 37.65% ad val.
	320.80	Of numbers 80 to 89	3.8¢ per lb. + 21% ad val	10¢ per lb. + 41.50% ad val.
	320.82	Of numbers 90 to 99	3.8¢ per lb. + 21% ad val	10¢ per lb. + 41.50% ad val.
	320.84	Of numbers 100 to 109	3.8¢ per lb. + 21% ad val	10¢ per lb. + 41.50% ad val.
	320.86	Of numbers 110 to 119	3.8¢ per lb. + 21% ad val	10¢ per lb. + 41.50% ad val.
	320.88	Of numbers 120 to 139	3.8¢ per lb. + 21% ad val	10¢ per lb. + 41.50% ad val.
	320.92	Of numbers 140 to 159	3.8¢ per lb. + 21% ad val	10¢ per lb. + 41.50% ad val.
	320.94	Of numbers 160 to 179	3.8¢ per lb. + 21% ad val	10¢ per lb. + 41.50% ad val.

PART 3—WOVEN FABRICS—Continued

[28 F.R. 8749]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Woven Fabrics, of Cotton—Continued		
		Woven fabrics other than the foregoing, etc.—Continued		
		Not fancy or figured—Continued		
		Not bleached and not colored—Continued		
	320.96	Of numbers 180 to 199	3.8¢ per lb. + 21% ad val	10¢ per lb. + 41.50% ad val.
	320.98	Of number 200 or higher numbers	3.8¢ per lb. + 21% ad val	10¢ per lb. +41.50% ad val.
	[3]321.—	Bleached, but not colored	Base rate + 1.9% ad val	Base rate +3% ad val.
	[3]322.—	Colored, whether or not bleached	Base rate + 3.8% ad val	Base rate +6% ad val.
		Fancy or figured:		
	[3]323.—	Not bleached and not colored	Base rate + 1.9% ad val	Base rate +10% ad val.
	[3]324.—	Bleached, but not colored	Base rate + 3.8% ad val	Base rate +13% ad val.
	[3]325.—	Colored, whether or not bleached	Base rate + 5.3% ad val	Base rate +16% ad val.
		Woven fabrics, in chief value, but not wholly, of cotton:		
		Containing (in addition to cotton) silk or manmade fibers, or both, but not containing other fibers:		
		Not fancy or figured:		
	[3]326.—	Not bleached and not colored	Base rate +1.9% ad val	Base rate +5% ad val.
	[3]327.—	Bleached, but not colored	Base rate +3.8% ad val	Base rate +8% ad val.
	[3]328.—	Colored, whether or not bleached	Base rate +5.3% ad val	Base rate +11% ad val.
		Fancy or figured:		
	[3]329.—	Not bleached and not colored	Base rate +3.8% ad val	Base rate +15% ad val.
	[3]330.—	Bleached, but not colored	Base rate +5.7% ad val	Base rate +18% ad val.
	[3]331.—	Colored, whether or not bleached	Base rate +7.5% ad val	Base rate +21% ad val.
	332.10	Containing (in addition to cotton) wool, whether or not containing silk or manmade fibers, or both, but not containing other fibers.	15% ad val	60% ad val.
	332.40	Other	15% ad val	40% ad val.
		Subpart B—Woven Fabrics, of Vegetable Fibers (Except Cotton)		
		Woven fabrics, of vegetable fibers (except cotton):		
		Wholly of jute:		
	335.40	Not bleached, not colored, and not flame resistant	Free	1¢ per lb.
A*	335.50	Bleached, colored, or flame resistant	0.2¢ per lb. +2.5% ad val	1¢ per lb. +10% ad val.
	335.55	Containing over 17 percent of wool by weight	30¢ per lb. +45% ad val	40¢ per lb. +55% ad val.
	335.60	Fabrics, other than the foregoing, containing over 50 percent by weight of yarns which yarns are composed wholly or almost wholly of fibers not exceeding 5 inches in length and contain not less than 50 percent by weight either of man-made fibers or of man-made fibers and cotton.	12.5¢ per lb. +11% ad val	45¢ per lb. +70% ad val.
		Other:		
		Weighing not over 4 ounces per square yard:		
A	335.70	Of jute	3.2% ad val	35% ad val.
	335.75	Other	3.2% ad val	35% ad val.
		Weighing over 4 ounces per square yard:		
A	335.85	Of jute	5% ad val	40% ad val.
	335.95	Other	5% ad val	40% ad val.
		Subpart C—Woven Fabrics, of Wool		
		Woven fabrics, of wool:		
		Fabrics, handwoven, with a loom width of less than 30 inches:		
	336.10	Weighing not over 4 ounces per square yard with warp wholly of vegetable fibers.	30¢ per lb. + 12.5% ad val	40¢ per lb. + 60% ad val.
	336.15	Other	37.5¢ per lb. + 12.5% ad val.	50¢ per lb. + 60% ad val.
		Serges, weighing not over 6 ounces per square yard, and other fabrics weighing not over 4 ounces per square yard, all the foregoing (not including handwoven fabrics with a loom width of less than 30 inches), of sheep's wool, valued over $4 per pound, in solid colors, imported to be used in the manufacture of apparel for members of religious orders:		
	336.20	Weighing not over 4 ounces per square yard with warp wholly of vegetable fibers.	30¢ per lb. + 12.5% ad val	40¢ per lb. + 60% ad val.
	336.25	Other	37.5¢ per lb. + 12.5% ad val.	50¢ per lb. + 60% ad val.
		Other:		
		Weighing not over 4 ounces per square yard with warp wholly of vegetable fibers:		
	336.30	Valued not over $1.26⅔ per pound	30¢ per lb. + 30% ad val	40¢ per lb. + 55% ad val.
	336.35	Valued over $1.26⅔ but not over $2 per pound	68¢ per lb	40¢ per lb. + 55% ad val.
	336.40	Valued over $2 per pound	30¢ per lb. + 19% ad val	40¢ per lb. + 60% ad val.
		Other:		
	336.50	Valued not over $1.26⅔ per pound	37.5¢ per lb. + 60% ad val	50¢ per lb. + 55% ad val.
	336.55	Valued over $1.26⅔ but not over $2 per pound	$1.135 per lb	50¢ per lb. + 55% ad val.
	336.60	Valued over $2 per pound	37.5¢ per lb. + 38% ad val	50¢ per lb. + 60% ad val.

See footnotes at end of table.

PART 3—WOVEN FABRICS—Continued

[28 F.R. 8749]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart D—Woven Fabrics, of Silk		
		Woven fabrics, of silk:		
		Wholly of silk:		
		Not jacquard-figured:		
	337.10	Not degummed, not bleached, and not colored	15% ad val	60% ad val.
	337.20	Degummed, bleached, or colored	11% ad val	60% ad val.
		Jacquard-figured:		
	337.30	Not degummed, not bleached, and not colored	13.5% ad val	65% ad val.
	337.40	Degummed, bleached, or colored	10.5% ad val	65% ad val.
		In chief value, but not wholly of silk:		
		Containing over 17 percent of wool by weight:		
	337.50	Not jacquard-figured	17.5% ad val	80% ad val.
	337.55	Jacquard-figured	18.5% ad val	82.5% ad val.
		Other:		
		Not jacquard-figured:		
	337.60	Not degummed, not bleached, and not colored.	15% ad val	60% ad val.
	337.70	Degummed, bleached, or colored	11.5% ad val	60% ad val.
		Jacquard-figured:		
	337.80	Not degummed, not bleached, and not colored.	13.5% ad val	65% ad val.
	337.90	Degummed, bleached, or colored	13.5% ad val	65% ad val.
		Subpart E—Woven Fabrics, of Manmade Fibers		
		Woven fabrics, of manmade fibers:		
		Containing over 17 percent of wool by weight:		
	338.10	Valued not over $2 per pound	15¢ per lb. + 25% ad val	60¢ per lb. + 70% ad val.
	338.15	Valued over $2 per pound	15¢ per lb. + 15% ad val	50¢ per lb. + 70% ad val.
		Other:		
		Of glass:		
	338.25	Not colored	10.5% ad val	50% ad val.
	338.27	Colored	15% ad val	60% ad val.
	338.30	Other	13¢ per lb. + 22.5% ad val	45¢ per lb. + 70% ad val.
		Subpart F—Woven Fabrics, of Other Textile Materials		
		Woven fabrics of textile materials, not covered by the foregoing subparts of this part:		
	339.05	Containing over 17 percent of wool by weight	30¢ per lb. + 50% ad val	40¢ per lb. + 60% ad val.
A	339.10	Other	8.5% ad val	40% ad val.

AMENDMENTS

Headnotes 2 and 4 amended by Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002.

Items 335.55 and 335.60 added by Pub. L. 89–241, §§ 2(a), 16(b), Oct. 7, 1965, 79 Stat. 933, 937, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 335.60 amended by Pub. L. 89–405, § 1(a), (c), Apr. 19, 1966, 80 Stat. 130, to apply as if made by the Tariff Schedules Technical Amendments Act of 1965 (set out as a note preceding section 1202 of this title), but not to apply with respect to any article entered, or withdrawn from warehouse, for consumption, on or before the 60th day after Apr. 19, 1966.

Items 335.70, 335.75, 335.85 and 335.95 added, and items 335.80 and 335.90 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 339.00 repealed and article description preceding item 339.05 and items 339.05 and 339.10 substituted in lieu thereof by Pub. L. 89–405, § 1(b), (c), Apr. 19, 1966, 80 Stat. 130, to apply as if made by the Tariff Schedules Technical Amendments Act of 1965 (set out as a note preceding section 1202 of this title), but not to apply with respect to any article entered, or withdrawn from warehouse, for consumption, on or before the 60th day after Apr. 19, 1966.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for headnote 4 of subpart A and items 319.01, 319.03, 319.05, 319.07, 320.01 to 320.80, 320.82, 320.84, 320.86, 320.88, 320.92, 320.94, 320.96, 320.98, 321 to 331, 332.10, 332.40, 335.40, 335.50, 335.60, 335.80, 335.90, 336.10, 336.15, 336.20, 336.25, 336.30, 336.35, 336.40, 337.10, 337.20, 337.30, 337.40, 337.50, 337.55, 337.60, 337.70, 337.80, 337.90, 338.10, 338.15, 338.25, 338.27, 338.30 and 339.10, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 4—FABRICS OF SPECIAL CONSTRUCTION OR FOR SPECIAL PURPOSES; ARTICLES OF WADDING OR FELT; FISH NETS; MACHINE CLOTHING

[28 F.R. 8755]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 4 headnote: 1. This part covers certain textile fabrics and, in addition, certain other textile products. The provisions of subpart B of this part and the provisions for "fish netting and fishing nets" in subpart C hereof do not cover gauze and leno-woven fabrics. Woven textile fabrics not specially provided for in this part are provided for in part 3 of this schedule.		

PART 4—FABRICS OF SPECIAL CONSTRUCTION OR FOR SPECIAL PURPOSES; ARTICLES OF WADDING OR FELT; FISH NETS; MACHINE CLOTHING—Continued

[28 F.R. 8755]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Knit, Pile, Tufted, and Narrow Fabrics; Braids, and Elastic Fabrics		
		Subpart A headnotes:		
		1. This subpart provides for the named fabrics, braids, and elastic materials, when in the piece only. Any fabric described in this subpart and also in subpart B or C of this part is classifiable in the said subpart B or C. This subpart does not cover— (i) braids suitable for making or ornamenting headwear (see part 1B of schedule 7); or (ii) rubber or plastics filaments (see part 1E of schedule 3 and part 12B of schedule 7).		
		2. For the purposes of the tariff schedules— (a) the term "narrow fabrics" means— (i) woven or knit fabrics, not over 12 inches in width, with fast edges (that is, with both edges made or treated to prevent the fabric from unraveling, by means of selvages, stitching, gumming, fusing, or simple hemming); or (ii) seamless woven or knit tubings which, when flattened, are not over 12 inches in width; or (iii) bias binding consisting of strips, not over 12 inches in width, cut on the bias from woven or knit fabrics and folded and creased on the edges; (b) the term "elastic", as used to describe yarns, cordage, braids, and fabrics, means that such articles possess elasticity which is attributable in whole or in part to rubber.		
		3. Any article described in more than one superior heading of this subpart is classifiable under the last such heading in which it is described.		
		Knit fabrics:		
	345.10	Of vegetable fibers	25% ad val	45% ad val.
	345.30	Of wool	37.5¢ per lb. + 20% ad val.	50¢ per lb. + 50% ad val.
	345.35	Of silk	13.5% ad val	55% ad val.
	345.50	Of manmade fibers	25¢ per lb. + 20% ad val	45¢ per lb. + 60% ad val.
	345.60	Other	8.5% ad val	40% ad val.
		Pile fabrics, in which the pile was inserted or knotted during the weaving or knitting, whether or not the pile covers the entire surface, and whether the pile is wholly or partly cut or is not cut:		
		Of cotton:		
		Corduroys:		
	346.05	52 inches or more in width and valued 50 cents or more per square yard.	23% ad val	50% ad val.
	346.10	Other	38% ad val	50% ad val.
		Velveteens:		
	346.15	Plain-back	25% ad val	31.25% ad val.
		Other, including twill-back:		
	346.20	Valued not over 85 cents per square yard	30% ad val	44% ad val.
	346.22	Valued over 85 cents but not over $1.10 per square yard.	25¢ per sq. yd	44% ad val.
	346.24	Valued over $1.10 per square yard	22.5% ad val	44% ad val.
		Terry fabrics:		
	346.30	Valued not over $1.125 per pound	17¢ per lb	40% ad val.
	346.32	Valued over $1.125 per pound	15% ad val	40% ad val.
	346.35	Velvets, plushes, and velours	30% ad val	70% ad val.
	346.40	Chenilles	17.5% ad val	50% ad val.
	346.45	Other	15% ad val	40% ad val.
	346.50	Of vegetable fibers, except cotton	6% ad val	50% ad val.
	346.52	Of wool	33¢ per lb. + 12.5% ad val.	44¢ per lb. + 55% ad val.
	346.56	Of silk	8.5% ad val	70% ad val.
	346.60	Of manmade fibers	15¢ per lb. + 25% ad val	45¢ per lb. + 65% ad val.
	346.65	Other	8.5% ad val	40% ad val.
		Tufted fabrics, in which the pile or tuft was inserted or knotted into a preexisting base, with the pile or tuft covering the entire surface, whether the pile or tuft is wholly or partly cut or is not cut:		
	346.70	Of cotton	19% ad val	50% ad val.
	346.80	Of vegetable fibers, except cotton	6% ad val	50% ad val.
	346.82	Of wool	33¢ per lb. + 12.5% ad val.	44¢ per lb. + 55% ad val.
	346.86	Of silk	8.5% ad val	70% ad val.
	346.90	Of manmade fibers	7¢ per lb. + 12.5% ad val	45¢ per lb. + 65% ad val.
	346.95	Other	8.5% ad val	40% ad val.

PART 4—FABRICS OF SPECIAL CONSTRUCTION OR FOR SPECIAL PURPOSES; ARTICLES OF WADDING OR FELT; FISH NETS; MACHINE CLOTHING—Continued

[28 F.R. 8755]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Knit, Pile, Tufted, and Narrow Fabrics; Braids, and Elastic Fabrics—Continued		
		Narrow fabrics:		
		Of vegetable fibers:		
	347.10	Pile ribbons, of cotton	20% ad val	62.5% ad val.
		Seamless tubings, except wicking:		
	347.15	Of cotton	20% ad val	35% ad val.
A	347.20	Other	7% ad val	35% ad val.
		Wicking:		
	347.26	Of cotton	10% ad val	30% ad val.
	347.28	Other	10% ad val	30% ad val.
A*	347.30	Webbing, of jute	14% ad val	35% ad val.
		Other:		
	347.33	Of cotton	13.3% ad val	35% ad val.
A	347.35	Other	7% ad val	35% ad val.
	347.40	Of wool	37.5¢ per lb. + 10% ad val.	50¢ per lb. + 50% ad val.
		Of silk:		
	347.45	Pile ribbons	8.5% ad val	60% ad val.
	347.50	Other	7.5% ad val	65% ad val.
		Of manmade fibers:		
		Ribbons:		
	347.55	Pile	15¢ per lb. + 11% ad val	45¢ per lb. +65% ad val.
	347.60	Other	12¢ per lb. +10% ad val	45¢ per lb. +70% ad val.
	347.65	Seamless tubings	12¢ per lb. +11.25% ad val	45¢ per lb. +70% ad val.
		Other:		
		Of glass:		
	347.68	Not colored	10.5% ad val	50% ad val.
	347.69	Colored	15% ad val	60% ad val.
	347.70	Other	12¢ per lb. + 9.5% ad val	45¢ per lb. +70% ad val.
A	347.72	Of metalized yarns	6% ad val	45% ad val.
A	347.75	Other	8.5% ad val	40% ad val.
		Braids not suitable for making or ornamenting headwear:		
	348.00	Tubular braids with a nonelastic core	15% ad val	60% ad val.
	348.05	Other	21% ad val	90% ad val.
		Elastic yarns, cordage, braids, and fabrics:		
	349.10	Yarns and cordage, and tubular braids with a rubber core.	15% ad val	40% ad val.
		Fabrics, not braided:		
	349.15	Of cotton	20% ad val	60% ad val.
	349.25	Other	15% ad val	60% ad val.
	349.30	Other	21% ad val	90% ad val.
		Subpart B—Lace, Netting, and Ornamented Fabrics		
		Subpart B headnotes:		
		1. This subpart covers only (a) textile fabrics in the piece, of any width, including edgings, insertings, galloons, flouncings, and all-overs, and (b) textile motifs. Fabrics described in part 3, part 4A, or part 4C of this schedule are covered by item 353.50 if ornamented.		
		2. For the purposes of this subpart—		
		(a) the term "motifs" embraces individual textile pieces such as, but not limited to, labels, badges, emblems, insignia, initials, numbers, and ornaments, designed and almost wholly used for incorporation in, or appliqueing on, wearing apparel, furnishings, and other textile articles; and		
		(b) the term "quilling", in item 352.30, means netting not over 12 inches in width with fast edges formed simultaneously by the same machine which produced the netting.		
	350.00	Veiling made on a lace machine or on a net machine, whether or not ornamented.	13% ad val	90% ad val.
		Lace, in the piece or in motifs, whether or not ornamented:		
		Made wholly by hand:		
		Valued not over $50 per pound:		
	351.05	Of cotton	38% ad val	90% ad val.
	351.10	Of vegetable fibers, except cotton	15% ad val	90% ad val.
	351.20	Other	20% ad val	90% ad val.
	351.25	Valued over $50 per pound	9.5% ad val	90% ad val.
		Made on a Leavers (including go-through) machine:		
		12 points or finer:		
	351.30	Of manmade fibers	36% ad val	90% ad val.
	351.40	Other	25% ad val	90% ad val.
		Not 12 points or finer:		
	351.44	Of vegetable fibers (except cotton), or of wool	22.5% ad val	90% ad val.
	351.46	Other	45% ad val	90% ad val.
	351.50	Made on a bobbinet-jacquard machine	25% ad val	90% ad val.
		Made on a Nottingham lace-curtain machine:		
	351.60	Of vegetable fibers	20% ad val.*	60% ad val.
	351.70	Other	25% ad val	90% ad val.
	351.80	Made on any other machine	40% ad val	90% ad val.
	351.90	Other	32% ad val	90% ad val.

See footnotes at end of table.

PART 4—FABRICS OF SPECIAL CONSTRUCTION OR FOR SPECIAL PURPOSES; ARTICLES OF WADDING OR FELT; FISH NETS; MACHINE CLOTHING—Continued

[28 F.R. 8755]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Lace, Netting, and Ornamented Fabrics—Continued		
		Netting, in the piece, made on a lace, net, or knitting machine, whether or not ornamented:		
		Ornamented:		
	352.10	Of vegetable fibers	30% ad val	90% ad val.
	352.20	Other	21% ad val	90% ad val.
		Not ornamented:		
	352.30	Quilling	30% ad val	90% ad val.
		Other:		
	352.40	Made on a Mechlin (or Malines) net machine	15% ad val	90% ad val.
	352.50	Made on a bobbinet machine, of cotton, and having not over 224 holes per square inch.	30% ad val	90% ad val.
	352.80	Other	12% ad val	90% ad val.
	353.10	Burnt-out lace, in the piece or in motifs	22.5% ad val	90% ad val.
	353.50	Ornamented fabrics, in the piece, and ornamented motifs, not specially provided for.	21% ad val., but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.	90% ad val., but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented.
		Subpart C—Wadding, Felts, and Articles Thereof; Fish Netting and Nets; Artists' Canvas; Coated or Filled Fabrics; Hose; Machine Clothing; Other Special Fabrics		
		Subpart C headnotes:		
		1. The provisions of this subpart do not cover—		
		(i) any of the products described in part 5, 6, or 7A of this schedule;		
		(ii) cloth-lined or reinforced paper (see part 4B of schedule 2);		
		(iii) cloths coated with abrasives (see part 1G of schedule 5);		
		(iv) fish landing nets (see part 5B of schedule 7);		
		(v) laminated or reinforced plastics (see part 12 of schedule 7);		
		(vi) hair felt, and articles thereof (see part 13A of schedule 7); or		
		(vii) other articles specially provided for in schedule 7 or elsewhere.		
		2. For the purposes of the tariff schedules—		
		(a) the term "coated or filled", as used with reference to textile fabrics and other textile articles, means that any such fabric or other article has been coated or filled (whether or not impregnated) with gums, starches, pastes, clays, plastics materials, rubber, flock, or other substances, so as to visibly and significantly affect the surface or surfaces thereof otherwise than by change in color, whether or not the color has been changed thereby; and		
		(b) the term "nonwoven fabrics" refers to fabrics made of matted textile fibers which are not in the form of yarns, but includes needle-punched felts comprised of fibers punched through a base fabric; and		
		(c) the provisions in this subpart for fabrics, coated or filled with rubber or plastics material, or laminated with sheet rubber or plastics (items 355.65-.85), cover products weighing not over 44 ounces per square yard without regard to the relative quantities of the textile fibers and the rubber or plastics material, but do not cover products weighing over 44 ounces per square yard unless they contain more than 50 percent by weight of textile fibers.		
		Webs, wadding, batting, and nonwoven fabrics, including felts and bonded fabrics, and articles not specially provided for of any one or combination of these products, all the foregoing, of textile materials, whether or not coated or filled:		
		Of vegetable fibers:		
	355.02	Of cotton	15% ad val	40% ad val.
A*	355.04	Of vegetable fibers, except cotton	20% ad val	40% ad val.
		Of wool:		
		Felts and articles of felt:		
	355.15	Valued not over $1.50 per pound	22.5¢ per lb. + 10% ad val	30¢ per lb. + 35% ad val.
	355.16	Valued over $1.50 per pound	30¢ per lb. + 10% ad val	40¢ per lb. + 40% ad val.
	355.18	Other	16% ad val	50% ad val.
A	355.20	Of silk	13.5% ad val	65% ad val.
	355.25	Of manmade fibers	12¢ per lb. + 15% ad val	45¢ per lb. + 65% ad val.
	355.27	Any article described in the foregoing provisions of this subpart, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes and end of table.

PART 4—FABRICS OF SPECIAL CONSTRUCTION OR FOR SPECIAL PURPOSES; ARTICLES OF WADDING OR FELT; FISH NETS; MACHINE CLOTHING—Continued

[28 F.R. 8755]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Wadding, Felts, and Articles Thereof; Fish Netting and Nets; Artists' Canvas; Coated or Filled Fabrics; Hose; Machine Clothing; Other Special Fabrics—Continued.		
		Fish netting and fishing nets (including sections thereof), of textile materials:		
	355.35	Of cotton	17.5% ad val	40% ad val.
		Of vegetable fibers, except cotton:		
	355.40	Of abaca, for use in otter-trawl fishing	Free	Free.
A	355.42	Other	11% ad val	45% ad val.
	355.45	Other	25¢ per lb. + 32.5% ad val.	45¢ per lb. + 65% ad val.
		Woven or knit fabrics, in the piece or in units, coated, filled, or otherwise prepared for use as artists' canvas:		
	355.50	Of cotton	7.5% ad val	35% ad val.
A	355.55	Of vegetable fibers, except cotton	5.5% ad val	45% ad val.
	355.60	Of manmade fibers	12.5¢ per lb. + 15% ad val.	45¢ per lb. + 65% ad val.
		Woven or knit fabrics (except pile or tufted fabrics), of textile materials, coated or filled with rubber or plastics material, or laminated with sheet rubber or plastics:		
	355.65	Of vegetable fibers	8.5% ad val	40% ad val.
	355.70	Of wool	37.5¢ per lb. + 32% ad val.	50¢ per lb. + 50% ad val.
	355.75	Of silk	13.5% ad val	65% ad val.
		Of man-made fibers:		
	355.81	Over 70 percent by weight of rubber or plastics	6% ad val	25% ad val.
	355.82	Other	12.5¢ per lb. + 15% ad val.	45¢ per lb. + 65% ad val.
	355.85	Other	8.5% ad val	40% ad val.
		Woven or knit fabrics (except pile or tufted fabrics), of textile materials, coated or filled, not specially provided for:		
		Oilcloths:		
	356.05	Of silk	13.5% ad val	65% ad val.
	356.10	Other	5% ad val	30% ad val.
	356.15	Tracing cloth	12.5% ad val	30% ad val.
	356.20	Window hollands of cotton	7% ad val	30% ad val.
		Other:		
	356.25	Of vegetable fibers	7% ad val	35% ad val.
	356.30	Of wool	37.5¢ per lb. + 32% ad val.	50¢ per lb. + 50% ad val.
	356.35	Of silk	13.5% ad val	65% ad val.
	356.40	Of manmade fibers	12¢ per lb. + 15% ad val	45¢ per lb. + 65% ad val.
	356.45	Other	8.5% ad val	40% ad val.
		Woven fabrics of vegetable fibers, suitable for covering cotton bales:		
	356.50	Recovered from used bags and sacks	Free	Free.
	356.51	Other fabrics, in the piece or in units, containing not over 16 yarns per square inch (counting the warp and filling) and weighing 15 or more ounces per square yard.	Free	0.6¢ per sq. yd.
	356.70	Woven fabrics (except pile or tufted fabrics), of vegetable fibers (except cotton), containing not over 100 yarns per square inch (counting the warp and filling), chiefly used for making towels.	20% ad val	55% ad val.
	356.80	Woven fabrics, in the piece or in units, of vegetable fibers (except cotton), containing over 30 yarns to the square inch (counting the warp and filling) and weighing not over 12 ounces per square yard, chiefly used for paddings or interlinings in wearing apparel.	5% ad val	55% ad val.
		Woven tapestry fabrics and woven upholstery fabrics (except bed-ticking fabrics and pile fabrics):		
	357.05	Jacquard-figured, of vegetable fibers	22.5% ad val	55% ad val.
		Of wool:		
	357.10	Valued not over $2 per pound	37.5¢ per lb. + 9% ad val	50¢ per lb. + 55% ad val.
	357.15	Valued over $2 per pound	37.5¢ per lb. + 7% ad val	50¢ per lb. + 60% ad val.
	357.20	Woven billiard cloths, green, wholly of wool, weighing over 11 but not over 15 ounces per square yard.	37.5¢ per lb. + 30% ad val.	50¢ per lb. + 60% ad val.
		Woven bolting cloths, wholly of silk, wholly of manmade fibers, or wholly of silk and manmade fibers:		
		Of silk:		
	357.25	Wholly of silk, imported to be used for milling purposes, and marked so as to be fit only for such purposes.	Free	Free.
	357.30	Other	15% ad val	55% ad val.
	357.35	Other	12¢ per lb. + 11% ad val	45¢ per lb. + 60% ad val.
		Woven fabrics, wholly of silk, wholly of manmade fibers, or wholly of silk and manmade fibers, chiefly used for stenciling purposes in screen-process printing:		
	357.40	Of silk	15% ad val	60% ad val.
	357.45	Other	12.5¢ per lb. + 11% ad val.	45¢ per lb. + 60% ad val.
	357.60	Textile fabrics with tucks in parallel rows formed in the weaving or the knitting process or by folding and sewing.	21% ad val., but not less than the rate which would apply to such fabrics without tucks.	90% ad val., but not less than the rate which would apply to such fabrics without tucks.

PART 4—FABRICS OF SPECIAL CONSTRUCTION OR FOR SPECIAL PURPOSES; ARTICLES OF WADDING OR FELT; FISH NETS; MACHINE CLOTHING—Continued

[28 F.R. 8755]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Wadding, Felts, and Articles Thereof; Fish Netting and Nets; Artists' Canvas; Coated or Filled Fabrics; Hose; Machine Clothing; Other Special Fabrics—Continued.		
	357.70	Edgings, insertings, galloons, fringes, and other trimmings, all the foregoing (except fabrics in the piece described in subpart A or B of this part), whether in the piece or otherwise, of textile materials.	21% ad val	90% ad val.
	357.80	Textile fabrics for use in pneumatic tires	12.5% ad val	25% ad val.
		Hose suitable for conducting gases or liquids, with or without attached fittings:		
	357.90	Of vegetable fibers (exclusive of fittings)	9.7¢ per lb. + 7.5% ad val	19.5¢ per lb. + 15% ad val.
	357.91	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
	357.95	Of other textile materials (exclusive of fittings)	12.5¢ per lb. + 11% ad val	45¢ per lb. +70% ad val.
	357.96	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Belting and belts, for machinery, of textile fibers or of such fibers and rubber or plastics:		
	358.02	V-belts	8% ad val	30% ad val.
	358.03	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Other:		
		Of vegetable fibers, or of such fibers and rubber or plastics:		
	358.05	Not in part of rubber or plastics	8% ad val	30% ad val.
	358.06	In part of rubber or plastics	8% ad val	30% ad val.
		Of wool:		
	358.08	Woven	18.7¢ per lb. +7.5% ad val	50¢ per lb. +60% ad val.
	358.09	Other	16% ad val	50% ad val.
	358.11	Of silk	13.5% ad val	65% ad val.
	358.14	Of man-made fibers	12.5¢ per lb. +15% ad val	45¢ per lb. +65% ad val.
	358.16	Other	6% ad val	25% ad val.
		Clothing for papermaking, printing, or other machines, in the piece or as units, not specially provided for, of textile materials:		
		Of vegetable fibers:		
	358.24	Printers' rubberized blankets	10% ad val	40% ad val.
	358.26	Other	14% ad val	40% ad val.
		Of wool:		
	358.30	Woven	37.5¢ per lb. + 7.5% ad val	50¢ per lb. + 60% ad val.
	358.35	Other	16% ad val	50% ad val.
	358.40	Of silk	13.5% ad val	65% ad val.
	358.50	Of manmade fibers	12¢ per lb. + 15% ad val	45¢ per lb. + 65% ad val.
	358.60	Other	10% ad val	40% ad val.
		Textile fabrics, including laminated fabrics, not specially provided for:		
	359.10	Of cotton	15% ad val	40% ad val.
	359.20	Of vegetable fibers, except cotton	6.5% ad val	40% ad val.
	359.30	Of wool	37.5¢ per lb. + 32% ad val	50¢ per lb. + 50% ad val.
	359.40	Of silk	13.5% ad val	65% ad val.
	359.50	Of manmade fibers	25¢ per lb. + 30% ad val	45¢ per lb. + 65% ad val.
	359.60	Other	8.5% ad val	40% ad val.

AMENDMENTS

Subpart C, headnote 2, par. (c) added by Pub. L. 89-241, §§ 2(a), 15(c)(1), Oct. 7, 1965, 79 Stat. 933, 936, to apply with respect to articles entered, or withdrawn from warehouse for consumption after the 60th day after Oct. 7, 1965.

Subpart C, headnote 3, repealed by Pub. L. 89-241, §§ 2(a), 15(b), Oct. 7, 1965, 79 Stat. 933, 936, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 347.26 and 347.28 added, and item 347.25 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 353.50 amended by Pub. L. 89-241, §§ 2(a), 17(a), Oct. 7, 1965, 79 Stat. 933, 937, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 355.27 added by Pub. L. 89-283, title IV, §§ 401(a), 405(c), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 355.65. Article description preceding item 355.65 amended by Pub. L. 89-241, §§ 2(a), 15(c)(2), to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 355.70 amended by Pub. L. 90-638, § 2(b)(1), (2), (c), Oct. 24, 1968, 82 Stat. 1360, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 24, 1968.

Item 355.80 repealed and article description preceding item 355.81 and items 355.81 and 355.82 substituted in lieu thereof by Pub. L. 89-241, §§ 2(a), 15(c)(3), Oct. 7, 1965, 79 Stat. 933, 936, to apply with respect to articles entered or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 356.30 amended by Pub. L. 90-638, § 2(b)(1), (2), (c), Oct. 24, 1968, 82 Stat. 1360, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 24, 1968.

Item 356.50. Article description preceding item 356.50 and items 356.50 and 356.51 substituted in lieu of struck item 356.50 by Pub. L. 89-241, §§ 2(a), 18, Oct.

7, 1965, 79 Stat. 933, 937, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 357.60 amended by Pub. L. 89-241, §§ 2(a), 17(b), Oct. 7, 1965, 79 Stat. 933, 937, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 357.91 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 357.96 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 358.02. Article description preceding item 358.02 and item 358.02, article description preceding item 358.05 and items 358.05 and 358.06, and article description preceding item 358.08 and items 358.08 and 358.09, and items 358.11, 358.14, and 358.16 substituted in lieu of repealed article descriptions preceding items 358.05 and 358.10 and repealed items 358.05 and 358.10 by Pub. L. 89-241, §§ 2(a)), 19(a), Oct. 7, 1965, 79 Stat. 933, 937, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 358.03 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 359.30 amended by Pub. L. 90-638, § 2(b)(1), (2), (c), Oct. 24, 1968, 82 Stat. 1360, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 24, 1968.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 345.10, 345.35, 345.60, 346.05, 346.10, 346.30, 346.32, 346.35, 346.40, 346.45, 346.50, 346.52, 346.56, 346.65, 346.70, 346.80, 346.82, 346.86, 346.90, 346.95, 347.10, 347.15, 347.20, 347.25, 347.30, 347.33, 347.35, 347.40, 347.45, 347.50, 347.55, 347.60, 347.65, 347.68, 347.69, 347.70, 347.72, 347.75, 348.00, 348.05, 349.10, 349.25, 349.30, 350.00, 351.05, 351.10, 351.20, 351.25, 351.40, 351.44, 351.46, 351.60, 351.70, 351.80, 351.90, 352.10, 352.20, 352.30, 352.40, 352.50, 352.80, 353.10, 353.50, 355.02, 355.15, 355.16, 355.18, 355.20, 355.25, 355.35, 355.42, 355.50, 355.55, 355.60, 355.65, 355.75, 355.81, 355.82, 355.85, 356.05, 356.10, 356.15, 356.20, 356.25, 356.35, 356.40, 356.45, 356.51, 356.70, 356.80, 357.05, 357.10, 357.15, 357.30, 357.35, 357.40, 357.45, 357.60, 357.70, 357.80, 357.90, 357.95, 358.02, 358.05, 358.06, 358.08, 358.09, 358.11, 358.14, 358.16, 358.24, 358.26, 358.30, 358.35, 358.40, 358.50, 358.60, 359.10, 359.20, 359.40 and 359.60, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 5—TEXTILE FURNISHINGS

[28 F.R. 8763]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Textile Floor Coverings		
		Subpart A headnotes:		
		1. This subpart covers floor coverings of textile materials and floor covering underlays of fibrous materials. This subpart does not cover—		
		(i) floor coverings of unspun fibrous vegetable materials (see part 2B of schedule 2);		
		(ii) linoleum, and other nontextile floor coverings (see part 4B of schedule 7); or		
		(iii) rugs or carpets made prior to 100 years before their date of entry (see part 11 of schedule 7).		
		2. For the purposes of this subpart—		
		(a) the term "floor coverings" means carpeting, carpets, rugs, matting, and mats, all the foregoing of any size or shape, including squares or other segments designed to be joined together, suitable for use as floor coverings in homes, business establishments, institutions, vehicles, or elsewhere; and		
		(b) the term "floor covering underlays" means any cushions or paddings of textile or other fibrous materials, of any size or shape, chiefly used under textile floor coverings.		
		3. For the purposes of this subpart, rubber, plastics, or other nontextile materials incorporated into a floor covering as a backing or underlay or to hold the pile in place shall be disregarded in determining the component material of chief value in the floor covering.		
		Floor coverings of pile or tufted construction, of textile materials:		
		In which the pile was inserted or knotted during weaving or knitting:		
		With pile hand-inserted or hand-knotted:		
	360.05	With over 50 percent by weight of the pile being hair of the alpaca, guanaco, huarizo, llama, misti, suri, or any combination of these hairs.	5.5% ad val	45% ad val.
		Other:		
	360.10	Valued not over 66⅔ cents per square foot	7.5¢ per sq. ft	30¢ per sq. ft.
	360.15	Valued over 66⅔ cents per square foot	11% ad val	45% ad val.

PART 5—TEXTILE FURNISHINGS—Continued

[28 F.R. 8763]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Subpart A—Textile Floor Coverings—Continued		
		Floor coverings of pile or tufted construction, of textile materials—Continued		
		In which the pile was inserted or knotted during weaving or knitting—Continued		
		With pile not hand-inserted and not hand-knotted:		
		Of cotton:		
	360.20	Chenille	10% ad val	40% ad val.
	360.25	Imitation oriental	6% ad val	35% ad val.
	360.30	Other	10% ad val	35% ad val.
A*	360.35	Of coir	5¢ per sq. ft	12¢ per sq. ft.
A	360.36	Of jute	7% ad val	35% ad val.
		Other:		
	360.40	Chenille	10% ad val	60% ad val.
	360.46	Wilton (including brussels) and velvet (including tapestry) floor coverings, and floor coverings of like character or description.	21% ad val.[1]	60% ad val.
	360.48	Other	10.5% ad val.[2]	60% ad val.
		In which the pile or tufts were inserted or knotted into a preexisting base:		
		With over 50 percent by weight of the pile being wool:		
	360.65	Valued not over 40 cents per square foot	7.5% ad val	30% ad val.
	360.70	Valued over 40 cents per square foot	15% ad val	60% ad val.
		Other:		
		Hand-hooked, that is, in which the pile or tufts were inserted or knotted by hand or by means of a hand tool:		
		With over 50 percent by weight of the pile or tufts being of vegetable fibers:		
	360.76	Of cotton—(64)	12.5% ad val	60% ad val.
A	360.77	Other	12.5% ad val	60% ad val.
		Other:		
	360.78	Of man-made fibers—(241)	12.5% ad val	60% ad val.
A	360.79	Other	12.5% ad val	60% ad val.
		Other:		
		With over 50 percent by weight of the pile or tufts being of vegetable fibers:		
	360.81	Of cotton—(64)	16.5% ad val	60% ad val.
A*	360.82	Other	16.5% ad val	60% ad val.
		Other:		
	360.83	Of man-made fibers—(241)	16.5% ad val	60% ad val.
A	360.84	Other	16.5% ad val	60% ad val.
		Floor coverings composed of braids, cords, fabric strips, and similar materials in continuous lengths, sewn or otherwise bound together but not woven, of textile materials:		
	361.05	Wholly or in part of braids (except tubular braids with a core).	21% ad val	90% ad val.
		Other:		
		With over 50 percent by weight of the fibers, exclusive of of any core, being of wool:		
	361.07	Valued not over 40 cents per square foot	15% ad val	30% ad val.
	361.10	Valued over 40 cents per square foot	30% ad val	60% ad val.
	361.18	With over 50 percent by weight of the fibers, exclusive of any core, being cotton, man-made fibers, or cotton and man-made fibers.	12% ad val	35% ad val.
	361.20	Other	8% ad val	35% ad val.
		Floor coverings not specially provided for, of textile materials:		
		Of wool:		
		Woven, but not made on a power-driven loom:		
	361.42	Valued not over 30 cents per square foot	7.5% ad val	30% ad val.
	361.44	Valued over 30 cents per square foot	11% ad val	45% ad val.
		Other:		
	361.46	Valued not over 40 cents per square foot	7.5% ad val	30% ad val.
	361.48	Valued over 40 cents per square foot	15% ad val	60% ad val.
		Other:		
	361.50	"Hit-and-miss" rag, of cotton	22.5% ad val	75% ad val.
	361.52	Of coir	Free	16% ad val.
A	361.53	Of jute	7% ad val	35% ad val.
		Other:		
	361.54	Woven, but not made on a power-driven loom	17% ad val	45% ad val.
	361.56	Other	8.5% ad val	40% ad val.
		Floor covering underlays:		
	361.80	Over 50 percent by weight of wool	16% ad val	50% ad val.
	361.85	Other	8.5% ad val	40% ad val.
	361.90	Any article described in the foregoing items 360.20 to 360.70, inclusive, 360.81 to 360.84, inclusive, 361.80, or 361.85, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

PART 5—TEXTILE FURNISHINGS—Continued

[28 F.R. 8763]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Bedding		
		Subpart B headnotes:		
		1. For the purposes of this subpart— (a) the term "bedding" means sheets, pillowcases, blankets, bedspreads, coverlets, quilts, comforters and other articles, by whatever name known, chiefly used as bed furnishings, including mattress pads and covers, and spring pads and covers, all the foregoing of textile materials, but not including pillows, cushions, and mattresses (see part 4A of schedule 7); and (b) the term "blankets" includes baby carriage robes, lap robes, and steamer rugs notwithstanding the fact that they are not chiefly used as bed furnishings.		
		2. For the purposes of this subpart, feathers or downs used as filling in quilts or comforters, and heating elements (together with their controls and wiring if permanently attached) shall be disregarded in determining the component material of chief value in the bedding.		
		Lace or net bedding, whether or not ornamented, and other bedding, ornamented:		
		Of vegetable fibers:		
		Sheets and pillowcases (including bolster cases):		
	363.01	Of cotton	34% ad val	90% ad val.
	363.02	Other	18% ad val	90% ad val.
	363.05	Other	34% ad val	90% ad val.
		Of wool:		
		Blankets:		
	363.10	Not over 3 yards in length	30¢ per lb. + 15% ad val	40¢ per lb. + 40% ad val.
	363.15	Over 3 yards in length	37.5¢ per lb. + 12.5% ad val.	50¢ per lb.+60% ad val.
	363.20	Other	21% ad val	90% ad val.
	363.25	Other	42.5% ad val	90% ad val.
		Other bedding, not ornamented:		
		Of vegetable fibers:		
		Sheets and pillowcases (including bolster cases):		
	363.30	Of cotton	9.5% ad val	25% ad val.
	363.35	Of vegetable fibers, except cotton	4% ad val	40% ad val.
		Blankets:		
	363.40	Valued not over 47.5 cents per pound	6¢ per lb	14.25¢ per lb.
	363.45	Valued over 47.5 cents per pound	12.5% ad val	30% ad val.
		Bedspreads, coverlets, quilts, and comforters:		
		Not jacquard-figured:		
	363.50	Block-printed by hand	12.5% ad val	25% ad val.
	363.51	Not block-printed by hand	6% ad val	25% ad val.
	363.55	Jacquard-figured	15% ad val	40% ad val.
	363.60	Other	15% ad val	40% ad val.
		Of wool:		
		Blankets:		
	363.65	Not over 3 yards in length	30¢ per lb.+15% ad val	40¢ per lb.+40% ad val.
	363.70	Over 3 yards in length	37.5¢ per lb.+12.5% ad val.	50¢ per lb.+60% ad val.
	363.75	Other	16% ad val	50% ad val.
	363.80	Of silk	13.5% ad val	65% ad val.
	363.85	Of manmade fibers	12.5¢ per lb.+15% ad val	45¢ per lb.+65% ad val.
	363.90	Other	8.5% ad val	40% ad val.
		Subpart C—Tapestries, Linens, and Other Furnishings		
		Subpart C headnotes:		
		1. For the purposes of this subpart, the term "furnishings" means curtains and drapes, including panels and valances; towels, napkins, tablecloths, mats, scarves, runners, doilies, centerpieces, antimacassars, and furniture slipcovers; and like furnishings; all the foregoing, of textile materials, and not specially provided for.		
		Tapestries, including hand-worked petit-point and other needlepoint tapestries, all the foregoing of textile materials:		
	364.05	Gobelin and other hand-woven tapestries fit only for use as wall hangings, and valued over $20 per square foot.	Free	Free.

PART 5—TEXTILE FURNISHINGS—Continued

[28 F.R. 8763]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Tapestries, Linens, and Other Furnishings—Continued		
		Tapestries, including hand-worked petit-point and other needlepoint tapestries, all the foregoing of textile materials—Continued		
		Other:		
		Of vegetable fibers:		
		Jacquard-figured:		
		Not pile construction:		
	364.07	Of cotton—(26)	15% ad val	55% ad val.
A	364.09	Of vegetable fibers, except cotton	15% ad val	55% ad val.
		Pile construction:		
	364.13	Of cotton—(64)	15% ad val	40% ad val.
A	364.14	Of vegetable fibers, except cotton	15% ad val	40% ad val.
		Other:		
	364.16	Certified hand-loomed and folklore products, and articles of cotton.	15% ad val	40% ad val.
	364.18	Other	15% ad val	40% ad val.
		Of wool:		
	364.20	Valued not over $2 per pound	37.5¢ per lb.+9% ad val.	50¢ per lb.+50% ad val.
	364.22	Valued over $2 per pound	37.5¢ per lb.+7% ad val.	50¢ per lb.+60% ad val.
A	364.25	Of silk	13.5% ad val	65% ad val.
	364.30	Of manmade fibers	12¢ per lb.+15% ad val.	45¢ per lb.+65% ad val.
A	364.35	Other	8.5% ad val	40% ad val.
		Lace or net furnishings, whether or not ornamented, and other furnishings, ornamented:		
		Handmade lace furnishings:		
		Valued not over $50 per pound:		
	365.00	Of cotton	35% ad val	90% ad val.
A	365.05	Of vegetable fibers, except cotton	15% ad val	90% ad val.
		Other:		
	365.11	Of wool or of man-made fibers	20% ad val	90% ad val.
A	365.14	Other	20% ad val	90% ad val.
	365.15	Valued over $50 per pound	9.5% ad val	90% ad val.
		Machinemade lace furnishings:		
		Made on a Leavers (including go-through) machine:		
		12 points or finer:		
	365.20	Of manmade fibers	18% ad val	90% ad val.
	365.25	Other	21% ad val	90% ad val.
		Not 12 points or finer:		
	365.29	Of vegetable fibers (except cotton), or of wool.	22.5% ad val	90% ad val.
	365.31	Other	40% ad val	90% ad val.
	365.35	Made on a bobbinet-jacquard machine	20% ad val	90% ad val.
		Made on a Nottingham lace, curtain machine:		
	365.40	Of vegetable fibers	25% ad val.	60% ad val.
	365.45	Other	25% ad val	90% ad val.
	365.50	Made on any other machine	40% ad val	90% ad val.
	365.70	Burnt-out lace furnishings	22.5% ad val	90% ad val.
	365.75	Of lace, of netting, or of lace and netting, and made in designs or patterns formed wholly or in substantial part by joining (by applique or otherwise) machinemade, or handmade and machinemade, materials by handwork.	32% ad val	90% ad val.
		Net furnishings made on a lace, net, or knitting machine, whether or not ornamented; and other furnishings, ornamented:		
		Of cotton:		
	365.77	Curtains and drapes, including panels and valances, all the foregoing if machine-embroidered but not otherwise ornamented.	20% ad val	90% ad val.
	365.78	Other	30% ad val	90% ad val.
		Of vegetable fibers, except cotton:		
	365.80	Damask tablecloths and damask napkins	15% ad val	90% ad val.
	365.82	Other	20% ad val	90% ad val.
		Other:		
	365.86	Of wool or of man-made fibers	21% ad val	90% ad val.
A	365.91	Other	21% ad val	90% ad val.
		Other furnishings, not ornamented:		
		Of vegetable fibers:		
		Curtains and drapes, including panels and valances:		
		Pile or tufted construction:		
		Of cotton:		
	366.03	Velveteen, velvet, plush, velour, or any combination thereof.	30% ad val	62.5% ad val.
	366.06	Corduroy	38% ad val	50% ad val.
	366.09	Other	19% ad val	50% ad val.
	366.12	Of vegetable fibers, except cotton	6% ad val	50% ad val.
	366.15	Other	15% ad val	40% ad val.

See footnotes at end of table.

PART 5—TEXTILE FURNISHINGS—Continued

[28 F.R. 8763]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Tapestries, Linens, and Other Furnishings—Continued		
		Other furnishings, not ornamented—Continued		
		Of vegetable fibers—Continued		
		Towels:		
		Of cotton:		
		Pile or tufted construction:		
	366.18	Valued not over 45 cents each	14% ad val	40% ad val.
		Valued over 45 cents each:		
	366.21	Valued not over $1.45 per pound	14¢ per lb	40% ad val.
	366.24	Valued over $1.45 per pound	14% ad val	40% ad val.
	366.27	Other	15% ad val	40% ad val.
		Of vegetable fibers, except cotton:		
		Woven, except pile or tufted construction:		
	366.30	With not over 100 yarns per square inch, counting warp and filling.	20% ad val	55% ad val.
	366.33	With over 100 yarns but not over 120 yarns per square inch, counting warp and filling.	13.5% ad val	55% ad val.
	366.36	With over 120 yarns per square inch, counting warp and filling.	4% ad val	40% ad val.
	366.39	Other	6.5% ad val	40% ad val.
		Tablecloths and napkins:		
		Of cotton:		
	366.42	Damask	13.5% ad val	30% ad val.
		Other:		
	366.45	Block-printed by hand	20% ad val	30% ad val.
		Not block-printed by hand:		
	366.46	Plain-woven, wholly of cotton	9% ad val	30% ad val.
	366.47	Other	12.5% ad val	40% ad val.
		Of vegetable fibers, except cotton:		
	366.48	Damask	5% ad val	55% ad val.
		Other:		
	366.51	Tablecloths	6.5% ad val	40% ad val.
	366.54	Napkins	5% ad val	55% ad val.
		Other:		
	366.57	Knit (except pile or tufted construction)	19% ad val	45% ad val.
		Pile or tufted construction:		
		Of cotton:		
	366.60	Velveteen, velvet, plush, velour, or any combination thereof.	30% ad val	62.5% ad val.
	366.63	Corduroy	38% ad val	50% ad val.
	366.65	Terry	15% ad val	40% ad val.
	366.69	Other	15% ad val	40% ad val.
	366.72	Of vegetable fibers, except cotton	6% ad val	50% ad val.
		Other:		
		Of cotton:		
	366.75	Damask	15% ad val	30% ad val.
		Other:		
	366.77	Plain-woven, wholly of cotton	15% ad val	30% ad val.
	366.79	Other	15% ad val	40% ad val.
		Of vegetable fibers, except cotton:		
	366.81	Damask	5% ad val	45% ad val.
	366.84	Other	6.5% ad val	40% ad val.
		Of wool:		
		Knit (except pile or tufted construction):		
	367.05	Valued not over $5 per pound	37.5¢ per lb. + 15% ad val.	50¢ per lb. + 50% ad val.
	367.10	Valued over $5 per pound	37.5¢ per lb. + 10% ad val.	50¢ per lb. + 50% ad val.
	367.15	Pile or tufted construction	33¢ per lb. + 10% ad val	44¢ per lb. + 55% ad val.
		Nonwoven felt:		
	367.20	Valued not over $1.50 per pound	22.5¢ per lb. + 10% ad val.	30¢ per lb. + 35% ad val.
	367.25	Valued over $1.50 per pound	30¢ per lb. + 10% ad val.	40¢ per lb. + 40% ad val.
	367.30	Other	16% ad val	50% ad val.
		Of silk:		
	367.35	Knit (except pile or tufted construction)	10% ad val	60% ad val.
	367.40	Pile or tufted construction	8.5% ad val	70% ad val.
	367.45	Other	13.5% ad val	65% ad val.
		Of manmade fibers:		
	367.50	Knit (except pile or tufted construction)	12¢ per lb. + 16% ad val	45¢ per lb. + 60% ad val.
	367.55	Pile or tufted construction	7¢ per lb. + 12.5% ad val	45¢ per lb. + 65% ad val.
		Other:		
	367.59	Of glass	13.5% ad val	60% ad val.
	367.60	Other	25¢ per lb. + 17% ad val	45¢ per lb. + 65% ad val.
	367.65	Other	8.5% ad val	40% ad val.

AMENDMENTS

Subpart A, headnote 1(iii) amended by Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002.

Items 360.76, 360.77, 360.78, 360.79, 360.81, 360.82, 360.83 and 360.84 added, and items 360.75 and 360.80 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 361.90, article description, amended by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 361.90 added by Pub. L. 89-283, Title IV, §§ 401(a), 405(b), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Items 364.07, 364.09, 364.13, 364.14, 364.16 and 364.18 added, and items 364.11, 364.12 and 364.15 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Items 365.11 and 365.14 added, and item 365.10 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 365.55. Article descriptions preceding item 365.55 and items 365.55, 365.60, and 365.65 struck out by Pub. L. 89-241, §§ 2(a), 20(1), Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 365.77. Article description preceding item 365.77 and items 365.77 and 365.78 substituted in lieu of struck article description preceding item 365.78 and item 365.78 by Pub. L. 89-241, §§ 2(a), 20(2), Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 365.86 and 365.91 added, and item 365.85 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 360.05, 360.10, 360.15, 360.20, 360.25, 360.30, 360.35, 360.36, 360.40, 360.48, 360.65, 360.70, 360.75, 360.80, 361.05, 361.18, 361.20, 361.42, 361.44, 361.46, 361.48, 361.50, 361.52, 361.53, 361.54, 361.56, 361.80, 361.85, 363.01, 363.02, 363.05, 363.10, 363.15, 363.20, 363.30, 363.35, 363.40, 363.45, 363.50, 363.51, 363.55, 363.60, 363.65, 363.70, 363.75, 363.80, 363.85, 363.90, 364.11, 364.12, 364.15, 364.20, 364.22, 364.25, 364.30, 364.35, 365.00, 365.05, 365.10, 365.15, 365.20, 365.25, 365.29, 365.31, 365.35, 365.40, 365.45, 365.50, 365.70, 365.75, 365.77, 365.78, 365.80, 365.82, 365.85, 366.03, 366.06, 366.09, 366.12, 366.15, 366.18, 366.21, 366.27, 366.30, 366.33, 366.36, 366.39, 366.42, 366.45, 366.46, 366.47, 366.48, 366.51, 366.54, 366.57, 366.60, 366.63, 366.65, 366.69, 366.72, 366.75, 366.79, 366.81, 366.84, 367.05, 367.10, 367.15, 367.20, 367.25, 367.30, 367.35, 367.40, 367.45, 367.50, 367.55, 367.59, 367.60 and 367.65, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 6—WEARING APPAREL AND ACCESSORIES

[28 F.R. 8769]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 6 headnotes:		
		1. This part does not cover— (i) wearing apparel of textile materials provided for in schedule 7; or (ii) surgical stockings, surgical belts, and orthopedic devices or appliances (see part 2B of schedule 7).		
		2. For the purposes of this part— (a) "infants' wearing apparel" is wearing apparel for children, regardless of their sex, up to and including 6 years of age; (b) "men's and boys' wearing apparel" is wearing apparel for males over 6 years of age; and (c) "women's and girls' wearing apparel" is wearing apparel for females over 6 years of age, including wearing apparel commonly worn by either sex and not identifiable as being intended exclusively for the wear of men or boys.		
		Subpart A—Handkerchiefs		
		Subpart A headnotes:		
		1. For the purposes of this subpart— (a) the term "handkerchiefs" means textile articles designed to be worn on or carried on or about the person as articles of utility, for decorative purposes, or both, whether known as kerchiefs, handkerchiefs, neckerchiefs, scarves, or mufflers, which are square or approximately square in shape and do not exceed 24 inches in length or width (finished dimensions), or which, if not square or approximately square, fit wholly within a 24-inch square (finished dimensions); and (b) the term "fancy or figured" means that the fabric from which the handkerchief was made was woven with 2 or more colors or kinds of filling; with 8 or more harnesses; or with jacquard, lappet, or swivel attachments; or by any combination of these weaving methods.		
		2. The average yarn number of cotton fabric in handkerchiefs is obtained in the manner prescribed in headnote 1(b) of part 3A of this schedule.		

PART 6—WEARING APPAREL AND ACCESSORIES—Continued

[28 F.R. 8769]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Handkerchiefs—Continued		
		Lace handkerchiefs, whether or not ornamented, and other handkerchiefs, ornamented:		
		Of vegetable fibers:		
		Not containing any handmade lace and not ornamented in any part by hand (except for incidental handwork necessary to finish machine work or to mend or correct defects):		
		Of cotton:		
	370.04	Valued not over $1.50 per dozen	1¢ each +10% ad val	4¢ each +40% ad val.
	370.08	Valued over $1.50 per dozen	0.5¢ each +7.5% ad val	4¢ each +40% ad val.
	370.12	Of vegetable fibers, except cotton	0.5¢ each +7.5% ad val	4¢ each+40% ad val.
		Other:		
	370.16	Of cotton	4¢ each +40% ad val	4¢ each +40% ad val.
A*	370.17	Other	2¢ each +20% ad val	4¢ each +40% ad val.
A	370.19	Of silk	1¢ each +10% ad val	4¢ each +40% ad val.
		Other:		
	370.21	Of man-made fibers—(226)	1¢ each +10% ad val	4¢ each +40% ad val.
A	370.22	Other	1¢ each +10% ad val	4¢ each +40% ad val.
		Other handkerchiefs, not ornamented:		
		Of cotton:		
		Not hemmed:		
		Not fancy or figured and not colored:		
	370.24	Not over 50s average yarn number	17.5% ad val	27% ad val.
	370.28	Over 50s but not over 70s average yarn number.	3¢ per lb. +20% ad val	10¢ per lb. +34% ad val.
	370.32	Over 70s average yarn number	3¢ per lb. +20% ad val	10¢ per lb. +45% ad val.
		Fancy or figured, colored, or both:		
	370.36	Not over 50s average yarn number	17.5% ad val	40% ad val.
	370.40	Over 50s but not over 70s average yarn number.	3¢ per lb. +20% ad val	10¢ per lb. +47% ad val.
	370.44	Over 70s average yarn number	3¢ per lb. +20% ad val	10¢ per lb. +57% ad val.
		Hemmed or hemstitched:		
		Not fancy or figured and not colored:		
	370.48	Not over 50s average yarn number	25% ad val	37% ad val.
	370.52	Over 50s but not over 70s average yarn number.	5¢ per lb. +35% ad val	10¢ per lb. +44% ad val.
	370.56	Over 70s average yarn number	5¢ per lb. +35% ad val	10¢ per lb. +55% ad val.
		Fancy or figured, colored, or both:		
	370.60	Not over 50s average yarn number	25% ad val	50% ad val.
	370.64	Over 50s but not over 70s average yarn number.	5¢ per lb. +35% ad val	10¢ per lb. +57% ad val.
	370.68	Over 70s average yarn number	5¢ per lb. +35% ad val	10¢ per lb. +67% ad val.
		Of vegetable fibers, except cotton:		
	370.72	Not hemmed	3% ad val	35% ad val.
		Hemmed or hemstitched, or not finished and having drawn yarns:		
	370.76	Made with hand-rolled or handmade hems	1¢ each +24% ad val	1¢ each +50% ad val.
	370.80	Other	9% ad val	50% ad val.
	370.84	Of silk	16% ad val	60% ad val.
	370.88	Of manmade fibers	25¢ per lb. +16% ad val	45¢ per lb. +65% ad val.
	370.92	Other	10% ad val	40% ad val.
		Subpart B—Mufflers, Scarves, Shawls, and Veils; Men's and Boys' Neckties		
		Mufflers, scarves, shawls, and veils, all the foregoing of textile materials:		
		Lace or net articles, whether or not ornamented, and other articles, ornamented:		
		Veils:		
	372.04	Of cotton	20% ad val	90% ad val.
	372.06	Of man-made fibers	26% ad val	90% ad val.
	372.08	Other	13 ad val.	90% ad val.
	372.10	Other	30% ad val	90% ad val.
		Other articles, not ornamented:		
	372.15	Of cotton	17% ad val	37.5% ad val.
	372.20	Of vegetable fibers, except cotton	7.5% ad val	35% ad val.
		Of wool:		
		Knit:		
	372.25	For infants' wear	37.5¢ per lb. +32% ad val	50¢ per lb. +75% ad val.
		Other:		
	372.30	Valued not over $5 per pound	37.5¢ per lb. +30% ad val	50¢ per lb. +50% ad val.
	372.35	Valued over $5 per pound	37.5¢ per lb. +20% ad val	50¢ per lb. +50% ad val.
		Not knit:		
	372.40	Valued not over $4 per pound	25¢ per lb. +21% ad val	33¢ per lb. +45% ad val.
	372.45	Valued over $4 per pound	37.5¢ per lb. +21% ad val	50¢ per lb. +50% ad val.

See footnotes at end of table.

PART 6—WEARING APPAREL AND ACCESSORIES—Continued

[28 F.R. 8769]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Mufflers, Scarves, Shawls, and Veils; Men's and Boys' Neckties—Continued		
		Mufflers, scarves, shawls, and veils, all the foregoing of textile materials—Continued		
		Other articles, not ornamented—Continued		
		Of silk:		
	372.50	Knit	10% ad val	60% ad val.
		Not knit:		
		Weighing over 1 ounce per square yard and rectangular in shape:		
	372.55	Valued not over $5 per dozen	20% ad val	60% ad val.
	372.60	Valued over $5 per dozen	13.5% ad val	60% ad val.
	372.65	Other	16% ad val	65% ad val.
		Of manmade fibers:		
	372.70	Knit	25¢ per lb. +32.5% ad val	45¢ per lb. +65% ad val.
	372.75	Not knit	25¢ per lb. +14% ad val	45¢ per lb. +65% ad val.
	372.80	Other	10% ad val	40% ad val.
		Men's and boys' neckties, of textile materials:		
	373.05	Ornamented	21% ad val	90% ad val.
		Not ornamented:		
	373.10	Of vegetable fibers	16.5% ad val	37.5% ad val.
	373.15	Of wool	37.5¢ per lb. +10.5% ad val.	50¢ per lb. +50% ad val.
		Of silk:		
	373.20	Knit	10% ad val	60% ad val.
	373.22	Not knit	16% ad val	65% ad val.
		Of manmade fibers:		
	373.25	Knit	12¢ per lb. +16% ad val	45¢ per lb. +65% ad val.
	373.27	Not knit	12¢ per lb. +13.5% ad val	45¢ per lb. +65% ad val.
	373.30	Other	10% ad val	40% ad val.
		Subpart C—Hosiery		
		Subpart C headnote:		
		1. The term "hosiery", as used in this subpart, means stockings, socks, and sockettes, all the foregoing, of textile materials, designed for human wear and designed to cover the entire foot or the foot and all or part of the leg.		
		Hosiery:		
		Lace or net hosiery, whether or not ornamented, and other hosiery, ornamented:		
		Of vegetable fibers:		
		Embroidered:		
	374.05	Valued not over $5 per dozen pairs	30% ad val	90% ad val.
	374.10	Valued over $5 per dozen pairs	21.5% ad val	90% ad val.
	374.15	Not embroidered	30% ad val	90% ad val.
		Of wool:		
		Embroidered:		
	374.20	Valued not over $3.50 per dozen pairs	50% ad val	90% ad val.
	374.25	Valued over $3.50 per dozen pairs	34% ad val	90% ad val.
	374.30	Not embroidered	42.5% ad val	90% ad val.
	374.35	Other	21% ad val	90% ad val.
		Other hosiery, not ornamented:		
		Of vegetable fibers:		
	374.40	Not made or cut from preexisting fabric	36% ad val	51% ad val.
	374.45	Made or cut from preexisting fabric	10% ad val	30% ad val.
	374.50	Of wool	37.5¢ per lb. +12% ad val	50¢ per lb. +50% ad val.
	374.55	Of silk	12% ad val	60% ad val.
	374.60	Of manmade fibers	25¢ per lb. +35% ad val	45¢ per lb. +65% ad val.
	374.65	Other	10% ad val	40% ad val.
		Subpart D—Garters and Suspenders; Body-Supporting Garments; Rainwear		
		Garters, garter belts, and suspenders, of textile materials, or of such materials and rubber or plastics:		
	376.04	Of vegetable fibers or of such fibers and rubber or plastics.	15% ad val	35% ad val.
	376.08	Of wool or of wool and rubber or plastics	37.5¢ per lb. +10% ad val	50¢ per lb. +50% ad val.
	376.12	Of silk or of silk and rubber or plastics	7% ad val	65% ad val.
	376.16	Of manmade fibers or of such fibers and rubber or plastics.	12¢ per lb. +9.5% ad val	45¢ per lb. +70% ad val.
	376.20	Other	10% ad val	40% ad val.
		Corsets, girdles, brassieres, and similar body-supporting garments for women and girls; body-supporting garments for men and boys; all the foregoing of any materials:		
	376.24	Lace or net articles, whether or not ornamented, and other articles, ornamented.	32% ad val	90% ad val.
	376.28	Other articles, not ornamented	18% ad val	75% ad val.
		Garments designed for rainwear, hunting, fishing, or similar uses, wholly or almost wholly of fabrics which are coated or filled, or laminated, with rubber or plastics, which (after applying headnote 5 of schedule 3) are regarded as textile materials:		
	376.54	Of cotton	12.5% ad val	37.5% ad val.
	376.56	Other	16.5% ad val	65% ad val.

PART 6—WEARING APPAREL AND ACCESSORIES—Continued

[28 F.R. 8769]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Underwear		
		Subpart E headnote:		
		1. This subpart covers only underwear not specially provided for, of textile materials.		
	378.05	Lace or net underwear, whether or not ornamented, and other underwear, ornamented.	42.5% ad val	90% ad val.
		Other underwear, not ornamented:		
		Of vegetable fibers:		
		Knit:		
	378.10	Valued not over $4 per pound	25% ad val	45% ad val.
	378.15	Valued over $4 per pound	15% ad val	46% ad val.
		Not knit:		
		Of cotton:		
	378.20	Valued not over 75 cents per separate piece	16.5% ad val	37.5% ad val.
	378.25	Valued over 75 cents per separate piece	8% ad val	37.5% ad val.
	378.30	Of vegetable fibers, except cotton	7.5% ad val	35% ad val.
		Of wool:		
	378.35	Knit	37.5¢ per lb. +6.5% ad val	50¢ per lb. +50% ad val.
		Not knit:		
	378.40	Valued not over $4 per pound	25¢ per lb. +10.5% ad val	33¢ per lb. +45% ad val.
	378.45	Valued over $4 per pound	37.5¢ per lb. +10.5% ad val.	50¢ per lb. +50% ad val.
		Of silk:		
	378.50	Knit	12% ad val	60% ad val.
	378.55	Not knit	16% ad val	65% ad val.
		Of manmade fibers:		
	378.60	Knit	25¢ per lb. +35% ad val	45¢ per lb. +65% ad val.
	378.65	Not knit	12.5¢ per lb. +13.5% ad val.	45¢ per lb. +65% ad val.
	378.70	Other	10% ad val	40% ad val.
		Subpart F—Other Wearing Apparel		
		Subpart F headnote:		
		1. This subpart covers only wearing apparel, not specially provided for, of textile materials.		
		Men's or boys' lace or net wearing apparel, whether or not ornamented, and other men's or boys' wearing apparel, ornamented:		
	380.00	Of cotton	35% ad val	90% ad val.
	380.02	Of wool	42.5% ad val	90% ad val.
	380.04	Of man-made fibers	42.5% ad val	90% ad val.
	380.05	Other	21% ad val	90% ad val.
		Other men's or boys' wearing apparel, not ornamented:		
		Of cotton:		
	380.06	Knit	21% ad val	45% ad val.
		Not knit:		
		Coats:		
	380.09	Valued not over $4 each	16.5% ad val	37.5% ad val.
	380.12	Valued over $4 each	8% ad val	37.5% ad val.
		Dressing gowns, including bathrobes, and beach robes:		
	380.15	Valued not over $2.50 each	16.5% ad val	37.5% ad val.
	380.18	Valued over $2.50 each	8% ad val	37.5% ad val.
		Pajamas:		
	380.21	Valued not over $1.50 per suit	16.5% ad val	37.5% ad val.
	380.24	Valued over $1.50 per suit	8% ad val	37.5% ad val.
	380.27	Shirts	21% ad val	45% ad val.
	380.30	Shirt collars and cuffs	7% ad val	20% ad val.
		Vests:		
	380.33	Valued not over $2 each	16.5% ad val	37.5% ad val.
	380.36	Valued over $2 each	8% ad val	37.5% ad val.
	380.39	Other	16.5% ad val	37.5% ad val.
		Of vegetable fibers, except cotton:		
	380.45	Knit	12.5% ad val	45% ad val.
		Not knit:		
	380.48	Shirt collars and cuffs	2.5% ad val	10% ad val.
	380.51	Other	7.5% ad val	35% ad val.
		Of wool:		
		Knit:		
	380.57	Valued not over $5 per pound	37.5¢ per lb. +30% ad val	50¢ per lb. +50% ad val.
		Valued over $5 per pound:		
	380.59	Sweaters valued over $18 per pound wholly of cashmere.	37.5¢ per lb. +15.5% ad val.	50¢ per lb. +50% ad val.
	380.61	Other	37.5¢ per lb. +20% ad val	50¢ per lb. +50% ad val.
		Not knit:		
	380.63	Valued not over $4 per pound	25¢ per lb. +21% ad val	33¢ per lb. +45% ad val.
	380.66	Valued over $4 per pound	37.5¢ per lb. +21% ad val	50¢ per lb. +50% ad val.
		Of silk:		
	380.72	Knit	10% ad val	60% ad val.
	380.75	Not knit	16% ad val	65% ad val.

PART 6—WEARING APPAREL AND ACCESSORIES—Continued

[28 F.R. 8769]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart F—Other Wearing Apparel—Continued		
		Other men's or boys' wearing apparel, not ornamented—Continued		
		Of manmade fibers:		
	380.81	Knit	25¢ per lb. +32.5% ad val	45¢ per lb. +65% ad val.
	380.84	Not knit	25¢ per lb. +27.5% ad val	45¢ per lb. +65% ad val.
	380.90	Other	10% ad val	40% ad val.
		Women's, girls', or infants' lace or net wearing apparel, whether or not ornamented, and other women's, girls', or infants' wearing apparel, ornamented:		
	382.00	Of cotton	35% ad val	90% ad val.
	382.02	Of wool	42.5% ad val	90% ad val.
	382.04	Of man-made fibers	42.5% ad val	90% ad val.
	382.05	Other	21% ad val	90% ad val.
		Other women's, girls', or infants' wearing apparel, not ornamented:		
		Of cotton:		
	382.06	Knit	21% ad val	45% ad val.
		Not knit:		
		Coats:		
	382.09	Valued not over $4 each	16.5% ad val	37.5% ad val.
	382.12	Valued over $4 each	8% ad val	37.5% ad val.
		Dressing gowns, including bathrobes, and beach robes:		
	382.15	Valued not over $2.50 each	16.5% ad val	37.5% ad val.
	382.18	Valued over $2.50 each	8% ad val	37.5% ad val.
		Pajamas:		
	382.21	Valued not over $1.50 per suit	16.5% ad val	37.5% ad val.
	382.24	Valued over $1.50 per suit	8% ad val	37.5% ad val.
		Vests:		
	382.27	Valued not over $2 each	16.5% ad val	37.5% ad val.
	382.30	Valued over $2 each	8% ad val	37.5% ad val.
	382.33	Other	16.5% ad val	37.5% ad val.
		Of vegetable fibers, except cotton:		
	382.39	Knit	12.5% ad val	45% ad val.
	382.42	Not knit	7.5% ad val	35% ad val.
		Of wool:		
		Knit:		
	382.48	Infants' outerwear	37.5¢ per lb. +32% ad val	50¢ per lb. +75% ad val.
		Other:		
	382.54	Valued not over $5 per pound	37.5¢ per lb. +30% ad val	50¢ per lb. +50% ad val.
		Valued over $5 per pound:		
	382.56	Sweaters valued over $18 per pound wholly of cashmere.	37.5¢ per lb. +15.5% ad val.	50¢ per lb. +50% ad val.
	382.58	Other	37.5¢ per lb. +20% ad val	50¢ per lb. +50% ad val.
		Not knit:		
	382.60	Valued not over $4 per pound	25¢ per lb. +21% ad val	33¢ per lb. +45% ad val.
	382.63	Valued over $4 per pound	37.5¢ per lb. +21% ad val	50¢ per lb. +50% ad val.
		Of silk:		
	382.69	Knit	10% ad val	60% ad val.
	382.72	Not knit	16% ad val	65% ad val.
		Of manmade fibers:		
	382.78	Knit	25¢ per lb. +32.5% ad val	45¢ per lb. +65% ad val.
	382.81	Not knit	25¢ per lb. +27.5% ad val	45¢ per lb. +65% ad val.
	382.87	Other	10% ad val	40% ad val.

AMENDMENTS

Items 370.21 and 370.22 added, and item 370.20 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 376.50. Article description preceding item 376.50 and item 376.50, 376.54, and 376.58 repealed and article description preceding item 376.54 and items 376.54 and 376.56 substituted in lieu thereof by Pub. L. 89–241, §§ 2(a), 15(d), Oct. 7, 1965, 79 Stat. 933, 936, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 370.04, 370.08, 370.12, 370.17, 370.19, 370.20, 370.24, 370.28, 370.32, 370.36, 370.40, 370.44, 370.48, 370.56, 370.60, 370.64, 370.68, 370.72, 370.80, 370.84, 370.88, 370.92, 372.04, 372.08, 372.10, 372.15, 372.20, 372.50, 372.55, 372.60, 372.65, 372.75, 372.80, 373.05, 373.10, 373.15, 373.20, 373.22, 373.25, 373.27, 373.30, 374.05, 374.10, 374.15, 374.35, 374.40, 374.45, 374.50, 374.55, 374.65, 376.04, 376.08, 376.12, 376.16, 376.20, 376.28, 376.54, 376.56, 378.10, 378.15, 378.20, 378.25, 378.30, 378.35, 378.40, 378.45, 378.50, 378.55, 378.65, 378.70, 380.00, 380.05, 380.06, 380.09, 380.12, 380.15, 380.18, 380.21, 380.24, 380.27, 380.30, 380.33, 380.36, 380.39, 380.45, 380.48, 380.51, 380.59, 380.72, 380.75, 380.90, 382.00, 382.05, 382.06, 382.09, 382.12, 382.15, 382.18, 382.21, 382.24, 382.27, 382.30, 382.33, 382.39, 382.42, 382.56, 382.69, 382.72 and 382.87, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 7—MISCELLANEOUS TEXTILE PRODUCTS; RAGS AND SCRAP CORDAGE

[28 F.R. 8777]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Miscellaneous Textile Products		
	385.10	Oakum, including twisted jute packing	Free	Free.
	385.15	Packing, molded, of cotton and rubber	8% ad val	40% ad val.
	385.20	Fabric samples, of wool, not knit, not pile construction, and not over 104 square inches in area per sample.	17.5% ad val	50% ad val.
		Dust cloths, mop cloths, and polishing cloths, of cotton:		
	385.25	Pile construction	17.5% ad val	62.5% ad val.
	385.30	Other	7% ad val	25% ad val.
	385.40	Ladder tapes, of cotton	10% ad val	40% ad val.
		Bags and sacks, or other shipping containers, of textile materials:		
		Of vegetable fibers, except cotton:		
	385.45	Not bleached, not colored, and not rendered nonflammable.	0.2¢ per lb. +1.5% ad val	1¢ per lb. +10% ad val.
	385.50	Bleached, colored, or rendered nonflammable	0.25¢ per lb. +2.5% ad val	1¢ per lb. +15% ad val.
	385.53	Of manmade fibers	12¢ per lb. +15% ad val	45¢ per lb. +65% ad val.
	385.55	Other	14% ad val	40% ad val.
		Labels, not ornamented, of textile materials:		
	385.60	Of vegetable fibers	9% ad val	50% ad val.
	385.61	Of manmade fibers	25¢ per lb. +19% ad val	45¢ per lb. +65% ad val.
	385.63	Other	13.5% ad val	65% ad val.
	385.70	Tassels, and cords and tassels, of textile materials	15% ad val	65% ad val.
		Corset lacings, footwear lacings, or similar lacings, of textile materials:		
	385.75	Braided, with or without cores	21% ad val	90% ad val.
		Other:		
	385.80	Of vegetable fibers	10% ad val	30% ad val.
	385.85	Of manmade fibers	12¢ per lb. +15% ad val	45¢ per lb. +65% ad val.
	385.90	Other	10% ad val	40% ad val.
A	385.95	Pile matting and pile mats, of coir (not including floor coverings).	5¢ per sq. ft	12¢ per sq. ft.
		Subpart B—Textile Articles Not Specially Provided For		
		Subpart B headnote:		
		1. This subpart covers articles, of textile materials, not covered elsewhere in the tariff schedules.		
		Articles not specially provided for, of textile materials:		
		Lace or net articles, whether or not ornamented, and other articles ornamented:		
	386.04	Of cotton	40% ad val	90% ad val.
	386.08	Other	25% ad val	90% ad val.
		Other articles, not ornamented:		
		Of cotton:		
	386.10	Knit (except pile or tufted construction)	17.5% ad val	45% ad val.
		Pile or tufted construction:		
	386.20	Corduroy	35% ad val	50% ad val.
	386.25	Terry	14% ad val	40% ad val.
	386.30	Velveteen, velvet, plush, velour, or any combination thereof.	28% ad val	62.5% ad val.
	386.40	Other	17.5% ad val	50% ad val.
	386.50	Other	14% ad val	40% ad val.
		Of vegetable fibers, except cotton:		
	387.10	Knit (except pile or tufted construction)	12.5% ad val	45% ad val.
	387.20	Pile or tufted construction	6% ad val	50% ad val.
	387.30	Other	6.5% ad val	40% ad val.
		Of wool:		
		Knit (except pile or tufted construction):		
	388.10	Valued not over $5 per pound	37.5¢ per lb. +15% ad val	50¢ per lb. +50% ad val.
	388.20	Valued over $5 per pound	37.5¢ per lb. +10% ad val	50¢ per lb. +50% ad val.
	388.30	Pile or tufted construction	33¢ per lb. +10% ad val	44¢ per lb. +55% ad val.
	388.40	Other	16% ad val	50% ad val.
		Of silk:		
	389.10	Knit (except pile or tufted construction)	10% ad val	60% ad val.
	389.20	Pile or tufted construction	8.5% ad val	70% ad val.
	389.30	Other	13.5% ad val	65% ad val.
		Of manmade fibers:		
	389.40	Knit (except pile or tufted construction)	25¢ per lb. +25% ad val	45¢ per lb. +60% ad val.
	389.50	Pile or tufted construction	15¢ per lb. +25% ad val	45¢ per lb. +65% ad val.
		Other:		
A	389.61	Artificial flowers	25¢ per lb. +15% ad val	45¢ per lb. +65% ad val.
	389.62	Other	25¢ per lb. +15% ad val	45¢ per lb. +65% ad val.
	389.70	Other	10% ad val	40% ad val.
	389.80	Any article described in the foregoing provisions of this subpart, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

Part 7—Miscellaneous Textile Products; Rags and Scrap Cordage—Continued

[28 F.R. 8777]

Subpart C—Rags and Scrap Cordage

Subpart C headnotes:

1. The term "rags", as used in this subpart, covers new fabric clippings, and fabrics, wearing apparel, furnishings, and other textile articles which are worn out, soiled, torn, or otherwise damaged, all the foregoing, whether or not carbonized, fit only—
   (i) for the recovery of their constituent fibers or materials,
   (ii) for use in paper making,
   (iii) for manufacture into polishing wheels and similar articles,
   (iv) for use as wiping rags of any size, or
   (v) for similar uses.
2. Any shipment of rags which has not exceeded 5 percent by weight of yarn wastes commingled therewith shall be treated as if it were entirely rags (see item 307.40 in part 1C of schedule 3).

GSP	Item	Articles	Rates of Duty 1	Rates of Duty 2
		Scrap cordage:		
	390.10	Of hard (leaf) fibers	Free	Free.
		Other:		
	390.14	Of man-made fibers	2.5% ad val	10% ad val.
A	390.16	Other	2.5% ad val	10% ad val.
		Rags:		
	390.20	Bagging and sugar-sack fabric	Free	Free.
		Other:		
	390.30	Wiping, of cotton	1¢ per lb	3¢ per lb.
	390.40	Of wool	4.5¢ per lb	18¢ per lb.
	390.50	Of manmade fibers	2% ad val	10% ad val.
	390.60	Other	Free	Free.

[*] For explanation of the symbol "A" or "A*" in the column marked "GSP", see general headnote 3(c).

[*] For explanation of the asterisk "*" in the Rates of Duty Columns, see general headnote 3(g).

(s)=Suspended. See general headnote 3(b).

[1] Certain cotton, cotton waste, and fibers of cotton processed but not spun are subject to additional import restrictions. See part 3 of the Appendix to the Tariff Schedules.

[2] See headnote 2 of this subpart.

[3] By legislation, certain yarns wholly of noncontinuous silk fibers are free of duty through Nov. 7, 1965. See Appendix to Tariff Schedules.

[4] Certain of these fabrics suitable for making typewriter ribbons are subject to increased rates of duty pursuant to an escape-clause proclamation. See part 2A of the Appendix to the Tariff Schedules.

[5] The rate of duty has been increased on certain floor coverings pursuant to escape-clause proclamation. See part 2 of Appendix to Tariff Schedules.

Amendments

Item 385.61 amended by Pub. L. 89-241, §§ 2(a), 21, Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 389.61 and 389.62 added, and item 389.60 deleted by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A.

Item 389.90 added by Pub. L. 89-283, title IV, §§ 401(a), 405(c), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Items 390.14 and 390.16 added, and item 390.12 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Staged Rate Modifications

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 385.15, 385.20, 385.25, 385.30, 385.40, 385.45, 385.50, 385.53, 385.55, 385.60, 385.63, 385.70, 385.75, 385.80, 385.85, 385.90, 385.95, 386.04, 386.08, 386.10, 386.20, 386.25, 386.30, 386.40, 386.50, 387.10, 387.20, 387.30, 388.10, 388.20, 388.30, 388.40, 389.10, 389.20, 389.30, 389.40, 389.60, 389.70, 390.12, 390.30, 390.40 and 390.50, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

SCHEDULE 4—CHEMICALS AND RELATED PRODUCTS [28 F.R. 8781]

Part 1—Benzenoid Chemicals and Products.
  A. Organic Chemical Crudes.
  B. Industrial Organic Chemicals.
  C. Finished Organic Chemical Products.
Part 2—Chemical Elements, Inorganic and Organic Compounds, and Mixtures.
  A. Chemical Elements.
  B. Inorganic Acids.
  C. Inorganic Chemical Compounds.
  D. Organic Chemical Compounds.
  E. Chemical Mixtures.
Part 3—Drugs and Related Products.
  A. Natural Drugs, Crude or Advanced.
  B. Alkaloids, Antibiotics, Barbiturates, Hormones, Vitamins, and Other Drugs and Related Products.
  C. Other Drugs.
Part 4—Synthetic Resins and Plastics Materials; Rubber.
  A. Synthetic Resins and Plastics Materials.
  B. Rubber.
Part 5—Flavoring Extracts; Essential Oils.
  A. Flavoring Extracts, and Fruit Flavors, Essences, Esters, and Oils.
  B. Essential Oils.
Part 6—Glue, Gelatin, and Related Products.

Part 7—Aromatic or Odoriferous Substances; Perfumery, Cosmetics, and Toilet Preparations.
  A. Aromatic and Odoriferous Substances.
  B. Perfumery, Cosmetics, and Toilet Preparations.
Part 8—Surface-Active Agents; Soaps and Synthetic Detergents.
  A. Surface-Active Agents.
  B. Soap and Synthetic Detergents.
Part 9—Dyeing and Tanning Products; Pigments and Pigment-like Materials; Inks, Paints, and Related Products.
  A. Dyeing and Tanning Products.
  B. Pigments and Pigment-like Materials.
  C. Inks, Paints, and Related Products.
Part 10—Petroleum, Natural Gas, and Products Derived Therefrom.
Part 11—Fertilizers and Fertilizer Materials.
Part 12—Explosives.
Part 13—Fatty Substances, Camphor, Chars and Carbons, Isotopes, Waxes, and Other Products.
  A. Fatty Substances.
  B. Camphor, Chars and Carbons, Isotopes, Waxes, and Other Products.
  C. Miscellaneous Medical Supplies.

SCHEDULE 4 HEADNOTES

1. This schedule does not include—

(i) any of the mineral products provided for in schedule 5;

(ii) metalbearing ores and other metalbearing materials, provided for in part 1 of schedule 6; or

(iii) metals provided for in part 2 of schedule 6.

2. (a) The term "compounds", as used in this schedule, means substances occurring naturally or produced artificially by the reaction of two or more ingredients, each compound—

(i) consisting of two or more elements,

(ii) having its own characteristic properties different from those of its elements and from those of other compounds, and

(iii) always consisting of the same elements united in the same proportions by weight with the same internal arrangement.

The presence of impurities which occur naturally or as an incident to production does not in itself affect the classification of a product as a compound.

(b) The term "compounds", as used in this schedule, includes a solution of a single compound in water, and, in determining the amount of duty on any such compound subject to duty in this schedule at a specific rate, an allowance in weight or volume, as the case may be, shall be made for the water in excess of any water of crystallization which may have been in the compound.

3. (a) The term "mixtures", as used in this schedule, means substances consisting of two or more ingredients (i.e., elements or compounds), whether occurring as such in nature, or whether artificially produced (i.e., brought about by mechanical, physical, or chemical means), which do not bear a fixed ratio to one another and which, however thoroughly commingled, retain their individual chemical properties and are not chemically united. The fact that the ingredients of a product are incapable of separation or have been commingled in definite proportions does not in itself affect the classification of such product as a mixture.

(b) The term "mixtures", as used in this schedule, includes solutions, except solutions defined as compounds in headnote 2(b) of this schedule.

PART 1—BENZENOID CHEMICALS AND PRODUCTS

[28 F.R. 8783]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 1 headnotes: 1. Except as specifically set forth in the headnotes to other parts of this schedule, all products described in this part shall be classified hereunder even if more specifically described elsewhere in this schedule. Any product described in both subparts B and C of this part shall be classified in subpart C. 2. For the purposes of this part, the term "modified benzenoid" describes a molecular structure having at least one six-membered heterocyclic ring which contains at least four carbon atoms and having an arrangement of molecular bonds as in the benzene ring or in the quinone ring, but does not include any such molecular structure in which one or more pyrimidine rings are the only modified benzenoid rings present. 3. With the exception of the natural products provided for in subpart C, this part does not cover cyclic organic chemical products (such as, but not limited to, tannic, gallic and pyrogallic acids; estrone, estradiol, and corticosteroids; morphine, ergot, and cinchona alkaloids; rotenone; phenylalanine; tyrosine; epinephrine; and thymols) having a benzenoid, quinoid, or modified benzenoid structure, which are produced from animal or vegetable products in which such structure occurs naturally, unless such cyclic organic chemical products were obtained, derived, or manufactured in part from any product provided for in subpart A, B or C of this part.		

PART 1—BENZENOID CHEMICALS AND PRODUCTS—Continued

[28 F.R. 8783]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 1 headnotes—Continued		
		4. The ad valorem rates provided in this part shall be based upon the American selling price, as defined in section 402 or 402a of this Act, of any similar competitive article manufactured or produced in the United States. If there is no similar competitive article manufactured or produced in the United States then the ad valorem rate shall be based upon the United States value, as defined in the said section 402 or 402a.		
		5. For the purposes of this part, any product provided for in this part shall be considered similar to, or competitive with, any imported product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner.		
		Subpart A—Organic Chemical Crudes		
		Coal tar, crude (including crude blast-furnace tar, crude oil-gas tar, and crude water-gas tar), and organic chemical products found naturally in coal tar, whether produced or obtained from coal tar or other source:		
	401.02	Acenaphthene	Free	Free.
	401.04	Acridine	Free	Free.
	401.06	Anthracene having a purity of less than 30% by weight	Free	Free.
	401.08	Anthracene oil	Free	Free.
	401.10	Benzene	Free	Free.
	401.12	Benzofuran (Coumarone)	Free	Free.
	401.14	Carbazole having a purity of less than 65% by weight	Free	Free.
	401.16	Chrysene	Free	Free.
	401.18	Coal tar, crude (including crude blast-furnace tar, crude oil-gas tar, and crude water-gas tar).	Free	Free.
	401.20	Collidines	Free	Free.
	401.22	Creosote oil	Free	Free.
	401.24	Cresylic acid which on being subjected to distillation yields in the portion distilling below 190° C. a quantity of tar acids less than 5% by weight of the original distillate, and which on being subjected to distillation yields in the portion distilling below 215° C. a quantity of tar acids less than 75% by weight of the original distillate.	Free	Free.
	401.26	Cumene	Free	Free.
	401.30	Cymene	Free	Free.
	401.32	Dibenzofuran (Diphenylene oxide)	Free	Free.
	401.34	Dimethylnaphthalenes	Free	Free.
	401.36	Fluoranthrene	Free	Free.
	401.38	Fluorene	Free	Free.
	401.40	Indene	Free	Free.
	401.42	Indole	Free	Free.
	401.44	Light oil	Free	Free.
	401.46	Lutidines	Free	Free.
	401.48	Mesitylene	Free	Free.
	401.50	Methylanthracene	Free	Free.
	401.52	Methylnaphthalene	Free	Free.
	401.54	Naphthalene which after removal of all water present has a solidifying point less than 79° C.	Free	Free.
	401.56	Phenanthrene	Free	Free.
	401.58	Picolines	Free	Free.
	401.60	Pitch of coal tar (including blast-furnace tar pitch, oil-gas tar pitch, and water-gas tar pitch).	Free	Free.
	401.62	Pitch of tar coke	Free	Free.
	401.64	Pseudocumene	Free	Free.
	401.66	Pyrene	Free	Free.
	401.68	Pyridine	Free	Free.
	401.70	Tar-acid oil (Middle oil)	Free	Free.
	401.72	Toluene	Free	Free.
	401.74	Xylene	Free	Free.
	401.76	Xylenols which on being subjected to distillation yield in the portion distilling below 190° C. a quantity of tar acids less than 5% by weight of the original distillate, and which on being subjected to distillation yield in the portion distilling below 215° C. a quantity of tar acids less than 75% by weight of the original distillate.	Free	Free.
	401.80	Mixtures consisting wholly of two or more of the foregoing named products.	Free	Free.

PART 1—BENZENOID CHEMICALS AND PRODUCTS—Continued

[28 F.R. 8783]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Industrial Organic Chemicals		
		Subpart B headnote:		
		1. The provisions of items 403.02 to 403.60, inclusive, in this subpart shall apply not only to the products described therein when obtained, derived, or manufactured in whole or in part from products described in subpart A of this part, but shall also apply to products of like chemical composition having a benzenoid, quinoid, or modified benzenoid structure artifically produced by synthesis, whether or not obtained, derived, or manufactured in whole or in part from products described in said subpart A.		
		Cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure, not provided for in subpart A or C of this part:		
A	403.02	Anthracene having a purity of 30% or more by weight	1.4¢ per lb. +8% ad val	7¢ per lb. +40% ad val.
A	403.04	Carbazole having a purity of 65% or more by weight	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
A	403.06	Naphthalene which after the removal of all water present has a solidifying point of 79° C. or above.	0.7¢ per lb. +4% ad val	7¢ per lb. +40% ad val.
A	403.08	Phthalic anhydride	1.2¢ per lb. +7% ad val	7¢ per lb. +40% ad val.
A	403.10	Styrene	1.4¢ per lb. +9% ad val	7¢ per lb. +45% ad val.
		All distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar, which on being subjected to distillation yield in the portion distilling below 190° C. a quantity of tar acids equal to or more than 5% by weight of the original distillate or which on being subjected to distillation yield in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75% by weight of the original distillate:		
A	403.40	Phenol (Carbolic acid) which on being subjected to distillation yields in the portion distilling below 190° C. a quantity of tar acids equal to or more than 5% by weight of the original distillate.	1.5¢ per lb. +8.5% ad val	3.5¢ per lb. +20% ad val.
A	403.42	Cresylic acid which on being subjected to distillation yields in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75% by weight of the original distillate.	0.85¢ per lb. +5% ad val	3.5¢ per lb. +20% ad val.
A	403.44	Metacresol, orthocresol, paracresol, and metaparacresol, all the foregoing having a purity of 75% or more by weight.	0.8¢ per lb. +5% ad val	7¢ per lb. +40% ad val.
A	403.46	Other	1.7¢ per lb. +10% ad val	7¢ per lb. +40% ad val.
	403.48	2-Acetamido-3-chloroanthraquinone; o-Acetoacetanisidide; o-Acetoacetotoluidide; 2′,4′-Acetoacetoxylidide; 3′-Aminoacetophenone; 1-Amino-5-benzamidoanthraquinone; o-Anisidine; p-Anisidine; 6-Chloro-m-cresol [OH=1]; m-Diethylaminophenol; 4-Chloro-2,5-dimethoxyaniline [NH_2=1]; 1,8-Dihydroxy-4,5-dinitroanthraquinone; 2,4-Dimethoxyaniline; 3-Ethylamino-p-cresol; Iminodianthraquinone; 5-Methoxy-m-phenylenediamine; N-Methylaniline; dl-Phenylephrine base; Phenylsulfone; 2-Pyridinecarboxaldehyde; Sodium tetraphenylboron; 2,4,6-Trimethylaniline (mesidine); and Vinylcarbazole, mono.	1.5¢ per lb. +10% ad val	7¢ per lb. +40% ad val.
	403.50	p-Aminobenzoic acid; 7-Amino-1,3-naphthalenedisulfonic acid and its salts; 5-Amino-2-naphthalenesulfonic acid and its salts; 8-Amino-1-naphthalenesulfonic acid and its salts; 8-Amino-2-naphthalenesulfonic acid and its salts; 6-Amino-1-naphthol-3-sulfonic acid and its salts; 8-Amino-1-naphthol-5-sulfonic acid and its salts; 4-Amino-2-stilbenesulfonic acid and its salts; Biligrafin acid; 3,5-Diacetamido-2,4,6-triiodobenzoic acid; 2,3-Dichloro-1,4-naphthoquinone; m-Dimethylamino-phenol; Gentisic acid; p-Hydroxybenzoic acid; 1-Hydroxy-2-carbazolecarboxylic acid; Hydroxycinnamic acid and its salts; 2-Hydroxy-3-dibenzofurancarboxylic acid; 2-Naphthol-3,6-disulfonic acid and its salts; 7-Nitronaphth[1,2]oxadiazole-5-sulfonic acid and its salts; p-Nitrotoluene; p-Phenetidine; m-Phenylenediamine; o-Phenylenediamine; N-Phenyl-2-naphthylamine; 2,4,4′,5′-Tetrachlorophenylsulfone; Toluene-2,4-diamine; o-Toluenesulfonamide; and 2,4-Xylidine.	1.4¢ per lb. +10% ad val	7¢ per lb. +40% ad val.
		Other:		
A	403.58	Ethoxyquin (1, 2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline).	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
	403.60	Other	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.

PART 1—BENZENOID CHEMICALS AND PRODUCTS—Continued

[28 F.R. 8783]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Industrial Organic Chemicals—Continued		
		All other products, by whatever name known, not provided for in subpart A or C of this part, including acyclic organic chemical products, which are obtained, derived, or manufactured in whole or in part from any of the cyclic products having a benzenoid, quinoid, or modified benzenoid structure provided for in the foregoing provisions of this subpart or in subpart A of this part:		
A	403.70	Caprolactam monomer	1.5¢ per lb. +10% ad val	7¢ per lb. +40% ad val.
A	403.75	Hexamethylene adipamide	1.5¢ per lb. +10% ad val	7¢ per lb. +40% ad val.
A	403.78	Methylcyclohexanone	1.5¢ per lb. +10% ad val	7¢ per lb. +40% ad val.
		Other:		
A	403.79	Maleic anhydride	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
	403.80	Other	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
A	403.90	Mixtures in whole or in part of any of the products provided for in this subpart.	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.

Subpart C—Finished Organic Chemical Products

Subpart C headnotes:

1. The provisions of this subpart providing for products obtained, derived, or manufactured in whole or in part from products described in subparts A or B of this part shall also apply to products of like chemical composition having a benzenoid, quinoid, or modified benzenoid structure artificially produced by synthesis, whether or not obtained, derived, or manufactured in whole or in part from products described in the said subpart A or B.

2. The term "pesticides" in item 405.15 means products, such as insecticides, rodenticides, fungicides, herbicides, fumigants, and seed disinfectants, chiefly used to destroy undesired animal or plant life.

3. The term "plastics materials" in item 405.25 embraces products formed by the condensation, polymerization, or copolymerization of organic chemicals and to which plasticizers, fillers, colors, or extenders may have been added. The term includes, but is not limited to, phenolic and other tar-acid resins, styrene resins, alkyd and polyester resins based on phthalic anhydride, coumarone-indene resins, urethane, epoxy, toluene sulfonamide, maleic, fumaric, aniline, and polyamide resins, and other synthetic resins. The plastic materials may be in solid, semisolid, or liquid condition, such as flakes, powders, pellets, granules, solutions, emulsions, and other basic forms not further processed.

4. The term "plasticizers" in item 405.40 means substances which may be incorporated into a material (usually a plastic, resin material, or an elastomer) to increase its softness, flexibility, workability, or distensibility.

5. The term "drugs" in this subpart means those substances having therapeutic or medicinal properties and chiefly used as medicines or as ingredients in medicines.

6. For the purposes of the provisions of this subpart relating to "Colors, dyes, stains, and related products" (except products provided for in item 406.80)—

   (a) the specific duties shall be based on standards of strength which shall be established by the Secretary of the Treasury, and upon all importations of such articles which exceed such standards of strength the specific duty shall be computed on the weight which the article would have if it were diluted to the standard strength, but in no case shall any such articles of whatever strength be subject to a less specific duty than that provided in the respective items of this subpart;

   (b) it shall be unlawful to import or bring into the United States any such product unless the invoice shall bear a plain, conspicuous, and truly descriptive statement of the identity and percentage, exclusive of diluents, of such product;

   (c) it shall be unlawful to import or bring into the United States any such product, if the immediate container or the invoice bears any statement, design, or device regarding the product or the ingredients or substances contained therein which is false, fraudulent, or misleading in any particular; and

PART 1—BENZENOID CHEMICALS AND PRODUCTS—Continued

[28 F.R. 8783]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Finished Organic Chemical Products—Continued		
		Subpart C headnotes—Continued		
		(d) in the enforcement of the foregoing provisions of this headnote the Secretary of the Treasury shall adopt a standard of strength for each dye or other product which shall conform as nearly as practicable to the commercial strength in ordinary use in the United States prior to July 1, 1914. If a dye or other product has been introduced into commercial use since said date then the standard of strength for such dye or other product shall conform as nearly as practicable to the commercial strength in ordinary use. If a dye or other product was or is ordinarily used in more than one commercial strength, then the lowest commercial strength shall be adopted as the standard of strength for such dye or other product.		
		Products obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part:		
		Explosives:		
		Trinitrotoluene:		
A	405.04	Valued not over 15 cents per pound	1.7¢ per lb. +11% ad val	7¢ per lb. +45% ad val.
A	405.05	Valued over 15 cents per pound	Free	7¢ per lb. +45% ad val.
A	405.06	Other	1.7¢ per lb. +11% ad val	7¢ per lb. +45% ad val.
A	405.10	Ink powders	1.7¢ per lb. +11% ad val	7¢ per lb. +45% ad val.
A	405.15	Pesticides	1.7¢ per lb. +12.5% ad val	7¢ per lb. +40% ad val.
A	405.20	Photographic chemicals	3¢ per lb. +19% ad val	7¢ per lb. +45% ad val.
A	405.25	Plastics materials	1.4¢ per lb. +9% ad val	7¢ per lb. +45% ad val.
A	405.30	Products chiefly used as assistants in preparing or finishing textiles.	1.4¢ per lb. +8% ad val	7¢ per lb. +40% ad val.
A	405.35	Products (except those in item 405.30) chiefly used for any one or combination of the following purposes: as detergents, wetting agents, emulsifiers, dispersants, or foaming agents.	1.7¢ per lb. +12.5% ad val	7¢ per lb. +40% ad val.
A	405.40	Products chiefly used as plasticizers	1.7¢ per lb. +12.5% ad val	7¢ per lb. +40% ad val.
A	405.45	Sodium benzoate	1.5¢ per lb. +10.5% ad val	7¢ per lb. +45% ad val.
A	405.55	Synthetic tanning materials	3.5¢ per lb. +22.5% ad val	7¢ per lb. +45% ad val.
		Colors, dyes, stains, and related products:		
•	406.02	Sulfur black, "Colour Index Nos. 53185, 53190, and 53195".	1.5¢ per lb. +10% ad val	3¢ per lb. +20% ad val.
	406.04	Vat blue 1 (synthetic indigo), "Colour Index No. 73000".	1.5¢ per lb. +10% ad val	3¢ per lb. +20% ad val.
	406.10	Acid black 31, 50, 94, 129; acid blue 45, 54, 106, 127, 129, 143; acid brown 44, 46, 48, 58, 188, 189; acid green 40; acid red 130, 145, 174, 211; acid violet 19, 31, 41, 48; acid yellow 2, 75, 116; basic blue 3; basic orange 22; basic red 13, 14; basic yellow 1, 11, 13; direct black 62, 91; direct blue 86, 92, 106, 108, 109, 160, 172; direct brown 103, 115, 116; direct green 5, 29, 31; direct orange 37; direct red 83; direct yellow 28; disperse blue 30; disperse red 4; fluorescent brightening agent 18, 24, 32; ingrain blue 2; mordant black 8; mordant green 47; mordant red 17, 27; reactive black 1; reactive blue 1, 2, 4; reactive orange 1; reactive red 1, 2, 3, 5, 6; reactive yellow 1; solvent orange 11; solvent yellow 25; vat blue 2; vat brown 3; vat orange 2, 7; vat red 44; vat violet 9, 13; vat solubilized orange 3; and vat yellow 4, 20; all the foregoing obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part.	16% ad val	7¢ per lb. +45% ad val.
	406.50	Colors, dyes, and stains (except toners), whether soluble or not in water, obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part.	20% ad val	7¢ per lb. +45% ad val.
	406.60	Natural alizarin and natural indigo; colors, dyes, and stains (except toners), whether soluble or not in water, obtained, derived, or manufactured in whole or in part from natural alizarin or natural indigo; color acids, color bases, indoxyl, indoxyl compounds, and leuco-compounds (whether colorless or not), obtained, derived, or manufactured in whole or in part from natural alizarin, natural indigo, or any product provided for in subpart A or B of this part.	2.8¢ per lb. +18% ad val	7¢ per lb. +45% ad val.
	406.70	Color lakes and toners, obtained, derived, or manufactured in whole or in part from natural alizarin, natural indigo, or any product provided for in subpart A or B of this part.	20% ad val	7¢ per lb. +45% ad val.
A	406.80	Fast color bases, fast color salts, and Naphthol AS and its derivatives.	1.7¢ per lb. +10% ad val	7¢ per lb. +40% ad val.

PART 1—BENZENOID CHEMICALS AND PRODUCTS—Continued

[28 F.R. 8783]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Finished Organic Chemical Products—Continued		
		Products suitable for medicinal use, and drugs:		
		Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part:		
		Products suitable for medicinal use:		
A	407.02	Acetanilide	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
A	407.04	Benzaldehyde	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
A	407.06	Benzoic acid	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
A*	407.08	2-Naphthol (Beta-naphthol)	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
A	407.10	Resorcinol	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
A*	407.12	Salicylic acid and its salts	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
		Drugs:		
A	407.20	Acetphenetidine (Phenacetin)	1.4¢ per lb. +10% ad val	7¢ per lb. +45% ad val.
A	407.25	Acetylsalicylic acid (Aspirin)	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
A	407.30	Antipyrine	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
A	407.32	5-Chloro-7-iodo-8-quinolinol and 2-1-(p-chlorophenyl)-3-dimethylaminopropyl]pyridine maleate.	1.4¢ per lb. +10% ad val	7¢ per lb. +45% ad val.
A	407.35	Diethylaminoacetoxylidide (Xylocaine)	10¢ per lb. +1.7% ad val	7¢ per lb. +45% ad val.
A	407.40	5-Ethyl-5-phenylhexahydropyrimidine-4,6-dione.	1.2¢ per lb. +8.5% ad val	7¢ per lb. +45% ad val.
		Hydantoin derivatives:		
A	407.45	Methylphenethylhydantoin	1.4¢ per lb. +9% ad val	7¢ per lb. +45% ad val.
A	407.50	Other	1.4¢ per lb. +9% ad val	7¢ per lb. +45% ad val.
		Imidazoline derivatives:		
A	407.55	2-Benzyl-4,5-imidazoline hydrochloride	1.4¢ per lb. +9% ad val	7¢ per lb. +45% ad val.
A	407.60	Phenylbenzylaminoethylimidazoline hydrochloride.	1.4¢ per lb. +9% ad val	7¢ per lb. +45% ad val.
A	407.70	Other	1.4¢ per lb. +9% ad val	7¢ per lb. +45% ad val.
	407.72	Phenylephrine hydrochloride; sulfadiazine; sulfaguanidine; sulfamerazine; sulfamethazine; sulfapyridine; and salicylazosulfapyridine.	1.4¢ per lb. +10% ad val	7¢ per lb. +45% ad val.
	407.75	Phenolphthalein	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
A	407.80	Salol	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
	407.85	Other	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
		Drugs, from whatever source obtained, produced, or manufactured:		
A	407.90	Guaiacol and its derivatives	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +45% ad val.
		Aromatic or odoriferous compounds including flavors, not marketable as cosmetics, perfumery, or toilet preparations, and not mixed, and not containing alcohol:		
		Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part:		
A	408.05	Benzyl acetate	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.
A	408.10	Benzyl benzoate	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.
A	408.15	Diphenyl oxide	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.
A	408.20	Heliotropin	1.7¢ per lb. +11% ad val	7¢ per lb. +45% ad val.
A	408.25	Methyl anthranilate	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.
A	408.30	Musk, artificial	2.8¢ per lb. +9% ad val	7¢ per lb. +45% ad val.
A	408.35	Phenylacetaldehyde	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.
A*	408.40	Phenethyl alcohol	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.
A	408.45	Saccharin	1.5¢ per lb. +9.5% ad val	7¢ per lb. +45% ad val.
A	408.60	Other compounds	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.
		From whatever source obtained, derived, or manufactured:		
A	408.70	Coumarin	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.
A	408.75	Methyl salicylate	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.
A	408.80	Vanillin	1.5¢ per lb. +9.5% ad val	7¢ per lb. +45% ad val.
A	409.00	Mixtures in whole or in part of any of the products provided for in this subpart.	3.5¢ per lb. +22.5% ad val.	7¢ per lb. +45% ad val.

See footnotes at end of table.

AMENDMENTS

Item 403.58 added by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A.

Item 403.79 added by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A.

Item 405.04. Article description preceding item 405.04, formerly item 405.04, so redesignated and items 405.04 and 405.05 added by Pub. L. 92-151, § 2(a), (c), Nov. 5, 1971, 85 Stat. 417, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1972.

PROCLAMATION OF DUTY RATE FOR TRINITROTOLUENE VALUED OVER 15 CENTS PER POUND; STATUS OF CHANGE

Section 2(a) of Pub. L. 92-151, Nov. 5, 1971, 85 Stat. 417, provided in part that: "The rate of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 405.05 (as added by this subsection) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party."

PROCLAMATION OF DUTY RATE FOR TRINITROTOLUENE VALUED NOT OVER 15 CENTS PER POUND; STATUS OF CHANGE

Section 2(b) of Pub. L. 92-151, Nov. 5, 1971, 85 Stat. 417, provided that: "The rate of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 405.04 (as amended by subsection (a)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.”

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 403.02, 403.04, 403.06, 403.08, 403.10, 403.40, 403.42, 403.44, 403.46, 403.48, 403.50, 403.60, 403.70, 403.75, 403.78, 403.80, 403.90, 405.06, 405.10, 405.15, 405.20, 405.25, 405.30, 405.35, 405.40, 405.45, 405.55, 406.02, 406.04, 406.10, 406.50, 406.60, 406.70, 406.80, 407.02, 407.04, 407.06, 407.08, 407.10, 407.12, 407.20, 407.25, 407.30, 407.32, 407.35, 407.40, 407.45, 407.50, 407.55, 407.60, 407.70, 407.72, 407.75, 407.80, 407.85, 407.90, 408.05, 408.10, 408.15, 408.20, 408.25, 408.30, 408.35, 408.40, 408.45, 408.60, 408.70, 408.75, 408.80 and 409.00, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 2—CHEMICAL ELEMENTS, INORGANIC AND ORGANIC COMPOUNDS, AND MIXTURES

[28 F.R. 8793]

GSP	Item	Articles	Rates of Duty	
			1	2
		Part 2 headnotes:		
		1. This part covers chemicals, except those provided for elsewhere in this schedule and those specially provided for in any of the other schedules.		
		2. For the purpose of this part, inorganic compounds (including salts) are compounds not containing carbon, except carbides and such carbon-containing compounds as inorganic cyanides and cyanates, metallic carbonates, and oxides of carbon which are inorganic in nature.		
		3. For the purpose of this part, organic compounds are compounds containing carbon except such carbon-containing compounds as carbides, inorganic cyanides and cyanates, metallic carbonates, and oxides of carbon.		
		Subpart A—Chemical Elements		
		Chemical elements in any physical form:		
	415.05	Bromine	5¢ per lb	10¢ per lb.
	415.10	Cesium, potassium, and sodium	8.5% ad val	25% ad val.
	415.15	Carbon	Free	20% ad val.
A	415.20	Chlorine	5% ad val	25% ad val.
		Iodine:		
A	415.25	Crude	Free	Free.
A	415.27	Resublimed	8¢ per lb	10¢ per lb.
	415.30	Lithium	12.5% ad val	25% ad val.
	415.35	Phosphorus	2¢ per lb	8¢ per lb.
	415.40	Rubidium	5% ad val	25% ad val.
	415.45	Sulfur	Free	Free.
A	415.50	Other	5% ad val	25% ad val.
		Subpart B—Inorganic Acids		
		Subpart B headnote:		
		1. This subpart covers monobasic, dibasic, and polybasic inorganic acids. Salts and anhydrides of these acids are provided for in subpart C of this part.		
		Inorganic acids:		
A	416.05	Arsenic	1.5¢ per lb	3¢ per lb.
A	416.10	Boric	0.4¢ per lb	1¢ per lb.
	416.15	Hydrochloric	Free	Free.
	416.20	Hydrofluoric	Free	Free.
	416.25	Nitric	Free	Free.
A	416.30	Phosphoric	0.8¢ per lb	2¢ per lb.
	416.35	Sulfuric	Free	Free.
	416.40	Tungstic	21¢ per lb. on tungsten content +10% ad val.	60¢ per lb. on tungsten content +40% ad val.
A	416.45	Other	6% ad val	25% ad val.
		Subpart C—Inorganic Chemical Compounds		
		Subpart C headnote:		
		1. This subpart does not include any organic compounds. For the purposes of this subpart, inorganic compounds containing only one kind of cation are classifiable according to the cation constituent as indicated in the alphabetical listing set forth in this subpart; and inorganic compounds containing two or more different kinds of cations are classifiable according to the cation constituent thereof first named in the alphabetical listing in this subpart. Inorganic compounds, having no cations or none of the cation constituents of which are named in this subpart, are covered by the provision for other inorganic compounds (item 423.00).		
		Aluminum compounds:		
A	417.10	Ammonium sulfate (Ammonia alum)	0.15¢ per lb	0.75¢ per lb.
	417.12	Hydroxide and oxide (alumina)[1]	Free	0.5¢ per lb.
A	417.14	Potassium sulfate (Potash alum)	0.3¢ per lb	0.75¢ per lb.
A	417.16	Sulfate	0.05¢ per lb	0.375¢ per lb.
A	417.18	Other	4% ad val	25% ad val.

PART 2—CHEMICAL ELEMENTS, INORGANIC AND ORGANIC COMPOUNDS, AND MIXTURES—Continued

[28 F.R. 8793]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart C—Inorganic Chemical Compounds—Continued		
		Ammonium compounds:		
A	417.20	Ammonia, aqua	4% ad val	25% ad val.
A	417.22	Ammonia, liquid anhydrous	0.62¢ per lb	2.5¢ per lb.
A	417.24	Carbonate and bicarbonate	0.25¢ per lb	2¢ per lb.
A	417.26	Chloride	0.26¢ per lb	1.25¢ per lb.
A	417.28	Molybdate	10¢ per lb. on molybdenum content +3% ad val.	50¢ per lb. on molybdenum content +15% ad val.
A	417.30	Nitrate	0.25¢ per lb	1¢ per lb.
A	417.32	Perchlorate	0.5¢ per lb	1.5¢ per lb.
A	417.34	Phosphate	0.3¢ per lb	1.5¢ per lb.
A	417.36	Silicofluoride	5% ad val	25% ad val.
A	417.38	Sulfate	4% ad val	25% ad val.
	417.40	Tungstate	21¢ per lb. on tungsten content 10+% ad val.	60¢ per lb. on tungsten content +40% ad val.
A	417.42	Vanadate	16% ad val	40% ad val.
A	417.44	Other	4% ad val	25% ad val.
		Antimony compounds:		
A	417.50	Oxide	0.3¢ per lb	2¢ per lb.
A	417.52	Sulfide	0.25¢ per lb. +6% ad val	1¢ per lb. +25% ad val.
A	417.54	Other	0.4¢ per lb. +10% ad val	1¢ per lb. +25% ad val.
		Arsenic compounds:		
	417.60	Sulfide	Free	Free.
	417.62	Trioxide (Arsenious acid)	Free	Free.
A	417.64	Other	5% ad val	25% ad val.
		Barium compounds:		
A	417.70	Chloride	0.8¢ per lb	2¢ per lb.
A	417.72	Dioxide	2.4¢ per lb	6¢ per lb.
A	417.74	Hydroxide	0.6¢ per lb	1.25¢ per lb.
A	417.76	Nitrate	0.5¢ per lb	2¢ per lb.
A	417.78	Oxide	1¢ per lb	2.5¢ per lb.
A	417.80	Other	5% ad val	25% ad val.
		Beryllium compounds:		
A*	417.90	Oxide or carbonate	5% ad val	25% ad val.
A	417.92	Other	5% ad val	25% ad val.
A	418.00	Bismuth compounds	14% ad val	35% ad val.
		Calcium compounds:		
	418.10	Arsenate	Free	Free.
	418.12	Borate, crude	Free	Free.
A	418.14	Carbide	0.21¢ per lb	1¢ per lb.
		Chloride:		
	418.16	Crude	Free	Free.
A	418.18	Other	5% ad val	25% ad val.
	418.20	Cyanide	Free	Free.
A	418.22	Hypochlorite	6% ad val	25% ad val.
A	418.24	Lime, chlorinated, containing not more than 40% of available chlorine (bleaching powder).	0.2¢ per lb	0.3¢ per lb.
A	418.26	Molybdate	10¢ per lb. on molybdenum content +3% ad val.	50¢ per lb. on molybdenum content +15% ad val.
A	418.28	Phosphate, dicalcium	4.5% ad val	25% ad val.
	418.30	Tungstate	21¢ per lb. on tungsten content +10% ad val.	60¢ per lb. on tungsten content +40% ad val.
A	418.32	Other	5% ad val	25% ad val.
		Cerium compounds:		
A	418.40	Chloride	15% ad val	35% ad val.
A	418.42	Oxide	15% ad val	35% ad val.
A	418.44	Other	15% ad val	35% ad val.
		Cesium compounds:		
A	418.50	Chloride	6% ad val	25% ad val.
A	418.52	Other	5% ad val	25% ad val.
		Cobalt compounds:		
A	418.60	Oxide	1.2¢ per lb	20¢ per lb.
A	418.62	Sulfate	1.2¢ per lb	10¢ per lb.
A	418.68	Other	6% ad val	30% ad val.
		Copper compounds:		
	418.69	Cyanide	Free	Free.
		Iodide:		
	418.70	Crude	Free	Free.
A	418.72	Other	0.637¢ per lb. +5% ad val	3¢ per lb. +25% ad val.
A	418.74	Oxide (cupric)	0.637¢ per lb. +5% ad val	3¢ per lb. +25% ad val.
A	418.76	Sulfate	1.3¢ per lb. on copper content.	4¢ per lb. on copper content.
A*	418.78	Other	0.637¢ per lb. +5% ad val	3¢ per lb. +25% ad val.
A*	418.80	Gold compounds	5% ad val	25% ad val.
		Iron compounds:		
	418.90	Sulfide (pyrites)	Free	Free.
	418.92	Sulfate (ferrous) (copperas)	Free	Free.
A	418.94	Other	5% ad val	25% ad val.
		Lead compounds:		
A	419.00	Arsenate	1.2¢ per lb	3¢ per lb.
A	419.02	Nitrate	0.7¢ per lb	3¢ per lb.
A	419.04	Other	7.5% ad val	30% ad val.

See footnotes at end of table.

PART 2—CHEMICAL ELEMENTS, INORGANIC AND ORGANIC COMPOUNDS, AND MIXTURES—Continued

[28 F.R. 8793]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart C—Inorganic Chemical Compounds—Continued		
A	419.10	Lithium compounds	5% ad val	25% ad val.
		Magnesium compounds:		
		Carbonate:		
A	419.20	Not precipitated	4% ad val	25% ad val.
A	419.22	Precipitated	0.25¢ per lb	1.5¢ per lb.
		Chloride:		
A	419.24	Anhydrous	0.5¢ per lb	1¢ per lb.
A	419.28	Other	0.21¢ per lb	0.625¢ per lb.
A	419.32	Oxide (calcined magnesia)	1¢ per lb	7¢ per lb.
		Sulfate:		
A	419.34	Epsom salts	0.187¢ per lb	0.75¢ per lb.
	419.36	Kieserite (except calcined)	Free	Free.
A	419.38	Other	4% ad val	25% ad val.
		Manganese compounds:		
A	419.40	Borate	5% ad val	25% ad val.
A	419.42	Sulfate	5% ad val	25% ad val.
A	419.44	Other	7% ad val	25% ad val.
		Mercury compounds:		
		Chloride:		
A	419.50	Mercuric (Corrosive sublimate)	9¢ per lb. +6% ad val	22¢ per lb. +25% ad val.
A	419.52	Mercurous (Calomel)	9¢ per lb. +6% ad val	22¢ per lb. +25% ad val.
	419.53	Cyanide	Free	Free.
A	419.54	Other	9¢ per lb. +6% ad val	22¢ per lb. +25% ad val.
A	419.60	Molybdenum compounds	10¢ per lb. on molybdenum content +3% ad val.	50¢ per lb. on molybdenum content +15% ad val.
		Nickel compounds:		
A	419.70	Chloride	5% ad val	25% ad val.
	419.72	Oxide	Free	Free.
A	419.74	Sulfate	5% ad val	25% ad val.
A	419.76	Other	5% ad val	25% ad val.
		Phosphorus compounds:		
A	419.80	Oxychloride	1.5¢ per lb	6¢ per lb.
A	419.82	Trichloride	3¢ per lb	6¢ per lb.
A	419.84	Other	5% ad val	25% ad val.
A	419.90	Platinum compounds	5% ad val	25% ad val.
		Potassium compounds:		
A	420.00	Bicarbonate	0.5¢ per lb	1.5¢ per lb.
A	420.02	Bromide	2¢ per lb	10¢ per lb.
A	420.04	Carbonate	0.3¢ per lb	0.75¢ per lb.
A	420.06	Chlorate	0.75¢ per lb	1.5¢ per lb.
A	420.08	Chromate and dichromate	1.1¢ per lb	2.25¢ per lb.
	420.12	Cyanide	Free	Free.
A	420.14	Ferricyanide	1.8¢ per lb	7¢ per lb.
A	420.16	Ferrocyanide	0.8¢ per lb	4¢ per lb.
A	420.18	Hydroxide (Caustic potash)	0.15¢ per lb	1¢ per lb.
A	420.20	Iodide	12¢ per lb	25¢ per lb.
A	420.22	Molybdate	10¢ per lb. on molybdenum content +3% ad val.	50¢ per lb. on molybdenum content +15% ad val.
A	420.24	Nitrate	0.42¢ per lb	1¢ per lb.
A	420.26	Perchlorate	0.7¢ per lb	1.5¢ per lb.
A	420.28	Permanganate	3¢ per lb	6¢ per lb.
A	420.30	Persulfate	4% ad val	25% ad val.
	420.32	Tungstate	21¢ per lb. on tungsten content +10% ad val.	60¢ per lb. on tungsten content +40% ad val.
A	420.34	Vanadate	16% ad val	40% ad val.
A	420.36	Other	4% ad val	25% ad val.
A	420.40	Rhodium compounds	5% ad val	25% ad val.
		Selenium compounds:		
	420.50	Dioxide	Free	Free.
	420.52	Salts	Free	Free.
A	420.54	Other	5% ad val	25% ad val.
A	420.60	Silver compounds	5% ad val	25% ad val.
		Sodium compounds:		
A	420.68	Aluminate	4% ad val	25% ad val.
A	420.70	Arsenate	0.4¢ per lb	1¢ per lb.
	420.72	Bicarbonate	Free	Free.
	420.74	Bisulfate (niter cake)	Free	Free.
		Borate:		
	420.76	Crude	Free	Free.
A	420.78	Other	0.06¢ per lb	0.125¢ per lb.
A*	420.82	Bromide	8¢ per lb	10¢ per lb.
		Carbonate:		
A	420.84	Calcined (Soda ash)	0.12¢ per lb	0.25¢ per lb.
A	420.86	Hydrated and sesquicarbonate	0.2¢ per lb	0.25¢ per lb.
A	420.88	Chlorate	0.37¢ per lb	1.5¢ per lb.
		Chloride (Salt):		
	420.92	In brine	5% ad val	20% ad val.
A	420.94	In bulk	0.8¢ per 100 lb	7¢ per 100 lb.
	420.96	Other	Free	11¢ per 100 lb.

See footnotes at end of table.

PART 2—CHEMICAL ELEMENTS, INORGANIC AND ORGANIC COMPOUNDS, AND MIXTURES—Continued

[28 F.R. 8793]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart C—Inorganic Chemical Compounds—Continued		
		Sodium compounds—Continued		
A	420.98	Chromate and dichromate	0.87¢ per lb	1.75¢ per lb.
	421.02	Cyanide	Free	Free.
A	421.04	Ferrocyanide	0.45¢ per lb	2¢ per lb.
A	421.06	Hydrosulfite	17.5% ad val	35% ad val.
A	421.08	Hydroxide	0.2¢ per lb	0.50¢ per lb.
A	421.10	Molybdate	10¢ per lb. on molybdenum content +3% ad val.	50¢ per lb. on molybdenum content +15% ad val.
A	421.14	Nitrite	1.8¢ per lb	4.5¢ per lb.
		Phosphate, except pyrophosphates:		
A	421.16	Containing by weight not over 45% of water of crystallization.	0.4¢ per lb	1.5¢ per lb.
A	421.18	Containing by weight over 45% of water of crystallization.	0.2¢ per lb	0.75¢ per lb.
A	421.22	Pyrophosphates	5% ad val	25% ad val.
A	421.34	Silicates	0.15¢ per lb	0.375¢ per lb.
A	421.36	Silicofluoride	0.3¢ per lb	1.5¢ per lb.
		Sulfate:		
	421.42	Crude (Salt cake)	Free	Free.
A	421.44	Anhydrous	40¢ per ton	$3 per ton.
A	421.46	Crystallized (Glauber's salt)	80¢ per ton	$1.00 per ton.
A	421.52	Sulfide	0.37¢ per lb	0.75¢ per lb.
A	421.54	Sulfite, bisulfite, metabisulfite, and thiosulfate	0.15¢ per lb	0.375¢ per lb.
	421.56	Tungstate	21¢ per lb. on tungsten content +10% ad val.	60¢ per lb. on tungsten content +40% ad val.
	421.58	Uranate	Free	Free.
A	421.60	Vanadate	16% ad val	40% ad val.
A	421.62	Other	5% ad val	25% ad val.
		Strontium compounds:		
		Carbonate:		
	421.70	Not precipitated, including strontianite	Free	Free.
A	421.72	Precipitated	6% ad val	25% ad val.
A	421.74	Nitrate	6% ad val	25% ad val.
A	421.76	Oxide	6% ad val	25% ad val.
		Sulfate:		
	421.82	Mineral (Celestite)	Free	Free.
A	421.84	Other	5% ad val	25% ad val.
A	421.86	Other	5% ad val	25% ad val.
A	421.90	Tellurium compounds	5% ad val	25% ad val.
A	422.00	Thallium compounds	5% ad val	25% ad val.
		Thorium compounds:		
A	422.10	Nitrate	17.5% ad val	35% ad val.
A	422.12	Oxide	17.5% ad val	35% ad val.
A	422.14	Other	17.5% ad val	35% ad val.
		Tin compounds:		
A	422.20	Dichloride	6% ad val	25% ad val.
A	422.24	Tetrachloride	6% ad val	25% ad val.
A	422.26	Other	6% ad val	25% ad val.
A	422.30	Titanium compounds	7.5% ad val	30% ad val.
		Tungsten compounds:		
	422.40	Carbide	21¢ per lb. on tungsten content +12.5% ad val.	60¢ per lb. on tungsten content +50% ad val.
	422.42	Other	21¢ per lb. on tungsten content +10% ad val.	60¢ per lb. on tungsten content +40% ad val.
		Uranium compounds:		
	422.50	Oxide	Free	Free.
	422.52	Other	Free	Free.
		Vanadium compounds:		
A	422.58	Carbide	6% ad val	25% ad val.
A	422.60	Pentoxide (anhydride)	16% ad val	40% ad val.
A	422.62	Other	16% ad val	40% ad val.
		Zinc compounds:		
A	422.70	Arsenate	6% ad val	25% ad val.
A	422.72	Chloride	0.5¢ per lb	1.3¢ per lb.
	422.73	Cyanide	Free	Free.
A	422.74	Hydrosulfite	17.5% ad val	35% ad val.
A*	422.76	Sulfate	0.24¢ per lb	0.75¢ per lb.
A	422.78	Other	5% ad val	25% ad val.
		Zirconium compounds:		
A	422.80	Oxide	5% ad val	25% ad val.
A	422.82	Other	5% ad val	25% ad val.
		Other inorganic compounds:		
A	422.90	Boron carbide	5% ad val	25% ad val.
A	422.92	Chromium carbide	6% ad val	25% ad val.
A	422.94	Sulfur dioxide	6% ad val	25% ad val.
A	423.00	Other	5% ad val	25% ad val.

See footnotes at end of table.

PART 2—CHEMICAL ELEMENTS, INORGANIC AND ORGANIC COMPOUNDS, AND MIXTURES—Continued

[28 F.R. 8793]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart C—Inorganic Chemical Compounds—Continued		
		Mixtures of two or more inorganic compounds:		
A	423.80	In chief value of bismuth	14% ad val	35% ad val.
	423.82	In chief value of cyanide compounds which are free of duty under the foregoing provisions of this subpart.	Free	Free.
A	423.84	In chief value of hydrosulfite compounds, sulfoxylate compounds, or both.	17.5% ad val	35% ad val.
A	423.86	In chief value of mercury	9¢ per lb. +6% ad val	22¢ per lb. +25% ad val.
A	423.88	In chief value of molybdenum	10¢ per lb. on molybdenum content +3% ad val.	50¢ per lb. on molybdenum content +15% ad val.
	423.90	In chief value of nickel oxide	Free	Free.
	423.92	In chief value of tungsten	21¢ per lb. on tungsten content +10% ad val.	60¢ per lb. on tungsten content +40% ad val.
A	423.94	In chief value of vanadium	16% ad val	40% ad val.
A	423.96	Other	5% ad val	25% ad val.
		Subpart D—Organic Chemical Compounds		
		Subpart D headnote:		
		1. This subpart does not include any inorganic compounds. Organic compounds in this subpart are arranged according to functional group. Any organic compound which is described in more than one functional group is classifiable in the first group in which it is described.		
		Nitrogenous compounds:		
A*	425.00	Acrylonitrile	1.25¢ per lb. +6% ad val	6¢ per lb. +30% ad val.
A	425.02	Aldehyde ammonia	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	425.04	Amino acids	6% ad val	25% ad val.
A	425.06	Amino acid salts	5% ad val	25% ad val.
A	425.08	3-Amino-1,2,4-triazole	5% ad val	25% ad val.
A	425.09	Ammonium alginate	4% ad val	25% ad val.
A	425.10	Cyanuric chloride, melamine, and other compounds containing a triazine ring.	5% ad val	25% ad val.
A	425.12	Diethanolamine, monoethanolamine, and triethanolamine.	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	425.14	Ethylenediamine	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	425.18	Hexamethylenetetramine	2.2¢ per lb	11¢ per lb.
A	425.20	Mono-, di-, and tri-(methyl-, ethyl-, propyl-, and butyl (monoamines.	5% ad val	25% ad val.
A	425.22	Ethylureas, methylolureas, octamethylpyrophosphoramide and other acyclic amides.	5% ad val	25% ad val.
A	425.24	Imides	5% ad val	25% ad val.
A	425.26	Methyl ethyl ketoxime	5% ad val	25% ad val.
A	425.28	N-Methyl-2-pyrrolidone	6% ad val	25% ad val.
	425.30	Monosodium glutamate	16% ad val	25% ad val.
A	425.32	Nitroparaffins	5% ad val	25% ad val.
A	425.34	2-Pyrrolidone	6% ad val	25% ad val.
A	425.36	Thiourea, thiourea dioxide, and other thioamides; thiocarbamates, thiocyanates, thiurams, and isothiocyanates.	5% ad val	25% ad val.
A	425.38	N-Vinyl-2-pyrrolidone, monomer and polymer	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
	425.39	Dicyandiamide	Free	25% ad val.
A	425.41	Other	5% ad val	25% ad val.
		Dicyandiamide, guanidine salts and other acyclic amidines:		
		Other:		
A	425.42	Nitriles	5% ad val	25% ad val.
A	425.52	Other	1.5¢ per lb +7.5% ad val	6¢ per lb. +30% ad val.
		Acids:		
A	425.70	Acetic	0.265¢ per lb	2¢ per lb.
A	425.72	Chloroacetic	0.6¢ per lb	5¢ per lb.
A	425.74	Citric	4.2¢ per lb	17¢ per lb.
A	425.76	Formic	1.2¢ per lb	3¢ per lb.
A	425.78	Gallic	3¢ per lb	6¢ per lb.
A	425.82	Lactic acid	8% ad val	35% ad val.
A*	425.84	Naphthenic	5% ad val	25% ad val.
A*	425.86	Oxalic	1.9¢ per lb	6¢ per lb.
A	425.87	Propionic acid and sorbic acid	6% ad val	25% ad val.
A	425.88	Pyrogallic	9¢ per lb	12¢ per lb.
A	425.94	Tartaric	3¢ per lb	8¢ per lb.
	425.96	Valeric	Free	Free.
	425.99	Other	6% ad val	25% ad val.
		Acid anhydrides:		
A	426.00	Acetic	0.75¢ per lb	3.5¢ per lb.
	426.02	Valeric	Free	Free.
A	426.04	Other	6% ad val	25% ad val.

See footnotes at end of table.

PART 2—CHEMICAL ELEMENTS, INORGANIC AND ORGANIC COMPOUNDS, AND MIXTURES—Continued

[28 F.R. 8793]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart D—Organic Chemical Compounds—Continued		
		Salts of organic acids:		
A	426.08	Aluminum salts	4% ad val	25% ad val.
		Calcium salts:		
A	426.10	Acetate, crude	0.2¢ per lb	1¢ per lb.
A	426.12	Citrate (Lime citrate)	1.7¢ per lb	7¢ per lb.
A	426.14	Oxalate	3.2¢ per lb	4¢ per lb.
	426.16	Tartrate, crude	Free	Free.
A	426.18	Other	5% ad val	25% ad val.
A	426.22	Cerium salts	15% ad val	35% ad val.
		Cobalt salts:		
A	426.24	Resinate	6% ad val	30% ad val.
A	426.26	Other	6% ad val	30% ad val.
		Copper salts:		
A	426.28	Acetate and subacetate	1.35¢ per lb on copper content.	4¢ per lb. on copper content.
A	426.32	Naphthenate	0.6¢ per lb. +5% ad val	3¢ per lb. +25% ad val.
A	426.34	Other	0.6¢ per lb. +5% ad val	3¢ per lb. +25% ad val.
		Lead salts:		
A	426.36	Acetate	1¢ per lb	2.5¢ per lb.
A	426.42	Resinate	1.2¢ per lb	3¢ per lb.
A	426.44	Other	7.5% ad val	30% ad val.
A*	426.46	Lithium salts	5% ad val	25% ad val.
		Manganese salts:		
A	426.52	Resinate	5% ad val	25% ad val.
A	426.54	Other	7% ad val	25% ad val.
A	426.56	Mercurial salts	9¢ per lb. +6% ad val	22¢ per lb. +25% ad val.
		Nickel salts:		
A	426.58	Acetate	5% ad val	25% ad val.
A	426.62	Formate	5% ad val	25% ad val.
A	426.64	Other	5% ad val	25% ad val.
		Potassium salts:		
A	426.72	Antimony tartrate (Tartar emetic)	3¢ per lb	6¢ per lb.
		Bitartrate:		
	426.74	Containing under 90 percent potassium bitartrate by weight (Argols).	Free	Free.
		Containing 90 percent or more potassium bitartrate by weight:		
A	426.76	Cream of tartar	3.125¢ per lb	5¢ per lb.
A	426.77	Other	1.2¢ per lb	5¢ per lb.
A	426.78	Citrate	7¢ per lb	14¢ per lb.
A	426.82	Sodium tartrate (Rochelle salts)	2.5¢ per lb	5¢ per lb.
A	426.84	Other	4% ad val	25% ad val.
		Sodium salts:		
A	426.86	Acetate	5% ad val	25% ad val.
A	426.88	Alginate	6% ad val.*	25% ad val.
A	426.92	Bitartrate	5% ad val	25% ad val.
A	426.94	Citrate	6¢ per lb	12¢ per lb.
A	426.96	Formaldehyde sulfoxylate	17.5% ad val	35% ad val.
A	426.98	Formate	1¢ per lb	2¢ per lb.
A	427.02	Oxalate	1.2¢ per lb	2.5¢ per lb.
A	427.04	Other	5% ad val	25% ad val.
		Strontium salts:		
A	427.06	Potassium oxalate	5% ad val	25% ad val.
A	427.08	Other	5% ad val	25% ad val.
A	427.12	Tellurium salts	5% ad val	25% ad val.
A	427.14	Thorium salts	17.5% ad val	35% ad val.
A	427.16	Tin salts	6% ad val	25% ad val.
		Titanium salts:		
A	427.18	Potassium oxalate	7.5% ad val	30% ad val.
A	427.20	Other	7.5% ad val	30% ad val.
A	427.22	Vanadium salts	16% ad val	40% ad val.
		Zinc salts:		
A	427.24	Zinc formaldehyde sulfoxylate	17.5% ad val	35% ad val.
A	427.25	Other	5% ad val	25% ad val.
A	427.28	All other salts of organic acids	5% ad val	25% ad val.
A	427.30	Acyl halides	5% ad val	25% ad val.
		Aldehydes:		
A	427.40	Acetaldehyde	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	427.42	Aldol or acetaldol	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	427.44	Butyraldehyde	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	427.45	Chloroacetaldehyde	5% ad val	25% ad val.
A	427.46	Crotonaldehyde	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	427.48	Formaldehyde (including solutions)	0.43¢ per lb	1.75¢ per lb.
	427.52	Furfural	Free	Free.
A	427.53	Glyoxal	5% ad val	25% ad val.
A	427.54	Paracetaldehyde	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	427.56	Paraformaldehyde	2¢ per lb	8¢ per lb.
A	427.58	Other	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.

See footnotes at end of table.

PART 2—CHEMICAL ELEMENTS, INORGANIC AND ORGANIC COMPOUNDS, AND MIXTURES—Continued

[28 F.R. 8793]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart D—Organic Chemical Compounds—Continued		
		Ketones:		
A	427.60	Acetone	4% ad val	20% ad val.
A	427.62	Ethyl methyl ketone	4% ad val	20% ad val.
A	427.64	Other	4% ad val	20% ad val.
		Alcohols, monohydric, unsubstituted:		
A	427.70	Allyl	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	427.72	Amyl	2.4¢ per lb	6¢ per lb.
A	427.74	Butyl	1.2¢ per lb	6¢ per lb.
A	427.82	Crotonyl	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	427.84	Decyl	5% ad val	25% ad val.
	427.88	Ethyl for nonbeverage purposes	3¢ per gal	15¢ per gal.
A	427.92	Fusel oil	1.5¢ per lb	6¢ per lb.
A	427.94	Hexyl	1.5¢ per lb	6¢ per lb.
		Methyl:		
	427.96	Imported only for use in producing synthetic natural gas (SNG) or for direct use as a fuel.	Free	18¢ per gal.
A	427.97	Other	7.6¢ per gal	18¢ per gal.
A	427.98	Octyl	5% ad val	25% ad val.
A	428.04	Propargyl	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	428.06	Propyl	1.5¢ per lb	6¢ per lb.
A	428.12	Other	5% ad val	25% ad val.
		Halohydrins:		
A	428.20	Butylene chlorohydrin	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	428.22	Ethylene chlorohydrin	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	428.24	Propylene chlorohydrin	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	428.26	Other	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
		Alcohols, polyhydric (including glycols, polyglycols, diols, and polyols), and esters, ethers, and ether-esters and substituted derivatives of any of the foregoing:		
A	428.30	Butylene glycol and propylene glycol	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	428.32	Dipentaerythritol and pentaerythritol	5% ad val	25% ad val.
A	428.34	Ethylene glycol	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
		Glycerine:		
A	428.36	Crude	0.2¢ per lb	1¢ per lb.
	428.38	Refined	0.5¢ per lb	2¢ per lb.
A	428.40	Glycerine esters and ethers	5% ad val	25% ad val.
A	428.42	Polyalcohols, sulfonated	5% ad val	25% ad val.
		Other:		
A	428.44	Triols and tetrols	5% ad val	25% ad val.
A	428.46	Other	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
		Esters of monohydric alcohols and organic or inorganic acids (except hydrogen sulfide and hydrogen halide acids):		
A	428.50	Amyl acetate	1¢ per lb	7¢ per lb.
A	428.52	Butyl acetate	2.8¢ per lb	7¢ per lb.
A	428.54	Diethyl sulfate and dimethyl sulfate	5% ad val	25% ad val.
A	428.58	Ethyl acetate	0.75¢ per lb	3¢ per lb.
A	428.62	Ethyl acrylate	5% ad val	25% ad val.
A	428.64	Ethyl methacrylate	5% ad val	25% ad val.
A	428.66	Methyl acrylate	5% ad val	25% ad val.
A	428.68	Vinyl acetate	0.6¢ per lb. +3% ad val	6¢ per lb. +30% ad val.
A	428.72	Other	5% ad val	25% ad val.
		Epoxides and halogenated epoxides:		
A	428.80	Butylene oxide	1.5¢ per lb. +7% ad val	6¢ per lb. +30% ad val.
A	428.82	Epichlorohydrin	5% ad val	25% ad val.
A	428.84	Ethylene oxide	1.5¢ per lb. +7% ad val	6¢ per lb. +30% ad val.
A	428.86	Propylene oxide	1.5¢ per lb. +7% ad val	6¢ per lb. +30% ad val.
A	428.88	Other	1.5¢ per lb. +7% ad val	6¢ per lb. +30% ad val.
		Ethers of monohydric alcohols:		
A	428.90	Ethyl	1¢ per lb	4¢ per lb.
A	428.92	Isopropyl	5% ad val	25% ad val.
A	428.94	Vinyl	1.2¢ per lb. +6% ad val	6¢ per lb. +30% ad val.
A	428.96	Other	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	429.00	Acetals	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
		Lactones:		
A	429.10	Butyrolactone	6% ad val	25% ad val.
A	429.12	Other	5% ad val	25% ad val.
		Halogenated hydrocarbons:		
A	429.20	Butylene dichloride, ethylene dichloride, and propylene dichloride.	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	429.22	Carbon tetrachloride	0.32¢ per lb	1¢ per lb.
A	429.24	Chloroform	2¢ per lb	4¢ per lb.
A	429.26	Ethyl chloride	6¢ per lb	15¢ per lb.
	429.28	Ethylene dibromide	1.2¢ per lb. +6% ad val	6¢ per lb. +30% ad val.
A	429.30	Hexachloroethane	5% ad val	25% ad val.
A	429.32	Methylene chloride (dichloromethane)	5% ad val	25% ad val.
A	429.34	Perchloroethylene	4.5% ad val	25% ad val.
A	429.38	Tetrachloroethane	7.5% ad val	30% ad val.
A	429.42	Trichloroethylene	6% ad val	30% ad val.
A	429.44	Vinyl chloride	1.25¢ per lb. +6% ad val	6¢ per lb. +30% ad val.
A	429.46	Vinylidene chloride	1.25¢ per lb. +6% ad val	6¢ per lb. +30% ad val.

PART 2—CHEMICAL ELEMENTS, INORGANIC AND ORGANIC COMPOUNDS, AND MIXTURES—Continued

[28 F.R. 8793]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart D—Organic Chemical Compounds—Continued		
		Halogenated hydrocarbons—Continued		
		Other:		
A	429.47	Chlorinated but not otherwise halogenated	1.5¢ per lb. +7.5% ad val	6¢ per lb. +30% ad val.
A	429.48	Other	5% ad val	25% ad val.
		Hydrocarbons:		
	429.50	Butadiene, butylene, ethylene, and propylene	Free	Free.
	429.52	Other	5% ad val	25% ad val.
A	429.60	Sulfur compounds, including thiols, sulfides, sulfoxides, and sulfones.	5% ad val	25% ad val.
		Other organic compounds:		
A	429.70	Tetraethyl lead	15% ad val	30% ad val.
A	429.85	Tetramethyl lead	10.5% ad val	25% ad val.
A	429.95	Other	5% ad val	25% ad val.
	430.00	Mixtures of two or more organic compounds	5% ad val., but not less than the highest rate applicable to any component compound.	25% ad val., but not less than the highest rate applicable to any component compound.
		Subpart E—Chemical Mixtures		
	432.00	Mixtures not specially provided for	5% ad val., but not less than the highest rate applicable to any component material.	25% ad val., but not less than the highest rate applicable to any component material.

AMENDMENTS

Item 417.12 amended by Pub. L. 92-151, § 1(a)(1), (c), Nov. 5, 1971, 85 Stat. 417, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1971.

Item 425.82 amended by Pub. L. 89-241, §§ 2(a), 22, Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 425.87 added and former item 425.98 redesignated 425.99 by Ex. Ord. No. 11888, Nov. 24, 1976, 40 F.R. 55276.

Item 427.96 amended by Pub. L. 93-482, §§ 1, 2(a), Oct. 26, 1974, 88 Stat. 1456, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 26, 1974.

Item 427.97 added by Pub. L. 93-482, §§ 1, 2(a), Oct. 26, 1974, 88 Stat. 1456, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 26, 1974.

Item 428.50. Article description preceding item 428.50 amended by Pub. L. 89-241, §§ 2(a), 23, Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 429.80 repealed by Pub. L. 89-241, § 2(a), Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STATUS OF CERTAIN RATES OF DUTY ESTABLISHED BY PUBLIC LAW

Pub. L. 93-482, § 2(b), Oct. 26, 1974, 88 Stat. 1456, provided that: "The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as amended by the first section of this Act [adding item 427.97 and amending item 427.96] shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party."

Pub. L. 92-151, § 1(b), Nov. 5, 1971, 85 Stat. 417, provided that: "The rates of duty for items 417.12, 521.17, and 601.06 in rate column numbered 1 of the Tariff Schedules of the United States, as amended by subsection (a) [amendments relating to items 417.12, 521.17, 601.06], shall (1) be treated as not having the status of statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carrying out foreign trade agreements to which the United States is a party, and (2) supersede the staged rates of duty provided for such items in Annex III to Proclamation 3822, dated December 16, 1967 (32 Fed. Reg., No. 244, part II, p. 19037)."

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 415.05, 415.10, 415.15, 415.20, 415.27, 415.30, 415.35, 415.40, 415.50, 416.05, 416.10, 416.30, 416.40, 416.45, 417.10, 417.12, 417.14, 417.16, 417.18, 417.20, 417.22, 417.24, 417.26, 417.28, 417.30, 417.32, 417.34, 417.36, 417.38, 417.40, 417.42, 417.44, 417.50, 417.52, 417.54, 417.64, 417.70, 417.72, 417.74, 417.76, 417.78, 417.80, 417.90, 417.92, 418.00, 418.14, 418.18, 418.22, 418.24, 418.26, 418.28, 418.30, 418.32, 418.40, 418.42, 418.44, 418.50, 418.52, 418.60, 418.62, 418.68, 418.72, 418.74, 418.76, 418.78, 418.80, 419.00, 419.02, 419.04, 419.10, 419.20, 419.22, 419.24, 419.28, 419.32, 419.34, 419.38, 419.40, 419.42, 419.44, 419.50, 419.52, 419.54, 419.60, 419.70, 419.74, 419.80, 419.82, 419.84, 419.90, 420.00, 420.02, 420.04, 420.06, 420.08, 420.14, 420.16, 420.18, 420.20, 420.22, 420.24, 420.26, 420.28, 420.30, 420.32, 420.34, 420.36, 420.40, 420.60, 420.68, 420.70, 420.78, 420.82, 420.84, 420.86, 420.88, 420.92, 420.94, 420.96, 420.98, 421.04, 421.06, 421.08, 421.10, 421.14, 421.16, 421.18, 421.22, 421.34, 421.36, 421.44, 421.46, 421.52, 421.54, 421.56, 421.60, 421.62, 421.72, 421.74, 421.76, 421.84, 421.90, 422.00, 422.10, 422.12, 422.14, 422.20, 422.24, 422.26, 422.30, 422.40, 422.42, 422.58, 422.60, 422.62, 422.70, 422.72, 422.74, 422.76, 422.78, 422.80, 422.82, 422.90, 422.92, 422.94, 423.00, 423.80, 423.84, 423.86, 423.88, 423.92, 423.94, 423.96, 425.00, 425.02, 425.04, 425.06, 425.08, 425.09, 425.10, 425.12, 425.14, 425.18, 425.20, 425.22, 425.24, 425.26, 425.28, 425.32, 425.34, 425.36, 425.38, 425.39, 425.41, 425.42, 425.52, 425.70, 425.72, 425.74, 425.76, 425.78, 425.82, 425.84, 425.86, 425.88, 425.94, 425.98, 426.00, 426.04, 426.08, 426.10, 426.12, 426.14, 426.18, 426.22, 426.24, 426.26, 426.28, 426.32, 426.34, 426.36, 426.42, 426.44, 426.46, 426.52, 426.54, 426.56, 426.58, 426.62, 426.64, 426.72, 426.77, 426.78, 426.82, 426.84, 426.86, 426.88, 426.92, 426.94, 426.96, 426.98, 427.02, 427.04, 427.06, 427.08, 427.12, 427.14, 427.16, 427.18, 427.20, 427.22, 427.24, 427.25, 427.28, 427.30, 427.40, 427.42, 427.44, 427.45, 427.46, 427.48, 427.53, 427.54, 427.56, 427.58, 427.60, 427.62, 427.64, 427.70, 427.72, 427.74, 427.82, 427.84, 427.88, 427.92, 427.94, 427.96, 427.98, 428.04, 428.06, 428.12, 428.20, 428.22, 428.24, 428.26, 428.30, 428.32, 428.34, 428.36, 428.38, 428.40, 428.42, 428.44, 428.46, 428.50, 428.52, 428.54, 428.58, 428.62, 428.64, 428.66, 428.72, 428.80, 428.82, 428.84, 428.86, 428.88, 428.90, 428.92, 428.94, 428.96, 429.00, 429.10, 429.12, 429.20, 429.22, 429.24, 429.26, 429.28, 429.30, 429.32, 429.34, 429.38, 429.42, 429.44, 429.46, 429.47, 429.48, 429.52, 429.60, 429.95, 430.00 and 432.00 effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 3—DRUGS AND RELATED PRODUCTS

[28 F.R. 8805]

Part 3 headnotes:

1. Any product described in this part which is a mixture containing as an ingredient any product described in part 1 of this schedule remains classifiable in part 3 unless the part 1 ingredient, as used in the mixture, imparts therapeutic or medicinal properties thereto. Notwithstanding the provisions of part 1 of this schedule, niacin, niacinamide, meso-inositol hexanicotinate, and pyridoxine (vitamin B_6), regardless of source, are classifiable in part 3 of this schedule.

2. For the purposes of the tariff schedules, the term "drugs" means those substances, whether natural or synthetic, having therapeutic or medicinal properties and chiefly used as medicines or as ingredients in medicines.

3. For the purposes of this part—

(a) "natural substances" are those substances found in nature which comprise whole plants and herbs, anatomical parts thereof, vegetable saps, extracts, secretions and other constituents thereof; whole animals, anatomical parts thereof, glands or other animal organs, extracts, secretions and other constituents thereof, and which have not had changes made in their molecular structure as found in nature;

(b) a "synthetic substance" is a chemical compound made by the artificial combination of elements or radicals by any physical or chemical process;

(c) the term "crude", as used in relation to natural products, means any product which has not been advanced in value or improved in condition by shredding, grinding, chipping, crushing, distilling, evaporating, extracting, by artificial mixing with other substances or by any other process or treatment beyond that which is essential to its proper packing and the prevention of decay or deterioration pending manufacture; and

(d) the term "advanced", as used in relation to natural products, means any product which has been advanced in value or improved in condition from its crude state by any mechanical or physical process whatever beyond that which is essential to its proper packing and the prevention of decay or deterioration pending manufacture, but does not include any product which has been artificially mixed with other substances or the molecular structure of which as found in nature has been changed.

Subpart A—Natural Drugs, Crude or Advanced

Subpart A headnote:

1. This subpart covers only products which are natural drugs, crude or advanced.

GSP	Item	Articles	Rates of Duty	
			1	2
		Aconite, aloes, asafetida, buchu leaves, cocculus indicus, digitalis (*Lanta*), ipecac, jalap, manna, and marshmallow or althea:		
	435.05	Crude	Free	Free.
A	435.10	Advanced	1.5% ad val	10% ad val.
	435.30	Barks, cinchona or other, from which quinine may be extracted.	Free	Free.
	435.35	Belladonna	Free	Free.
	435.40	Coca leaves	Free	10¢ per lb.
	435.45	Digitalis (*Purpurea*)	6.5% ad val	20% ad val.
	435.50	Ergot	Free	Free.
	435.55	Gentian	Free	Free.
	435.60	Henbane	Free	Free.
	435.65	Nux vomica	Free	Free.
A	435.70	Opium	$3.60 per lb. of anhydrous morphine content.	$18 per lb. of anhydrous morphine content.
	435.75	Stramonium	Free	Free.

PART 3—DRUGS AND RELATED PRODUCTS—Continued

[28 F.R. 8805]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Natural Drugs, Crude or Advanced—Continued		
	436.00	Any of the products provided for in this subpart when imported in ampoules, capsules, jubes, lozenges, pills, tablets, troches, or similar forms, including powders put up in medicinal doses.	The rate provided for such product in this subpart, but not less than 5% ad val.	The rate provided for such product in this subpart, but not less than 25% ad val.
		Subpart B—Alkaloids, Antibiotics, Barbiturates, Hormones, Vitamins, and other Drugs and Related Products		
		Subpart B headnote:		
		1. The articles described in this subpart are classifiable hereunder whether or not they are drugs.		
		Alkaloids and their esters, ethers, salts, and other compounds:		
	437.00	Brucine and its compounds	5% ad val	25% ad val.
		Caffeine and its compounds:		
A	437.02	Caffeine	25¢ per lb	$1.25 per lb.
A	437.04	Caffeine, citrated	37.5¢ per lb	75¢ per lb.
A	437.06	Other	12.5% ad val	25% ad val.
	437.08	Cinchona bark alkaloids and their salts	Free	Free.
A	437.10	Cocaine and its compounds	$1.30 per oz	$2.60 per oz.
A	437.12	Ergotamine compounds	5% ad val	25% ad val.
A	437.13	Nicotine and its compounds	5% ad val	25% ad val.
A	437.14	Opium alkaloids and their compounds	$1.50 per oz	$3 per oz.
A*	437.16	Strychnine and its salts	5¢ per oz.	20¢ per oz.
A	437.18	Theobromine	11¢ per lb	75¢ per lb.
		Other alkaloids and their compounds:		
A	437.20	Synthetic	5% ad val	25% ad val.
		Natural:		
A	437.22	Not artificially mixed	2% ad val	10% ad val.
A	437.24	Other	5% ad val	25% ad val.
		Antibiotics:		
A	437.30	Natural and not artificially mixed	2% ad val	10% ad val.
A	437.32	Other	5% ad val	25% ad val.
		Barbituric acid and its compounds:		
A	437.36	Barbituric acid	12.5% ad val	25% ad val.
A	437.38	Diethylbarbituric acid and its compounds	75¢ per lb	$2.50 per lb.
A	437.40	Other	5% ad val	25% ad val.
A	437.44	Chloral hydrate	7% ad val	35% ad val.
		Enzymes and ferments:		
	437.46	Rennet	Free	Free.
	437.47	Yeast (except dried brewers' yeast)	10% ad val	20% ad val.
	437.48	Brewers' yeast, dried, ficin, and papain, all the foregoing, if crude.	Free	Free.
A	437.49	Other	5% ad val	25% ad val.
A	437.50	Ethylhydrocupreine and its compounds	10¢ per oz.	20¢ per oz.
		Gluconic acid and its compounds:		
A	437.51	Acid	6% ad val	25% ad val.
A	437.52	Other	5% ad val	25% ad val.
A	437.54	Glycerophosphoric acid and its compounds	8.5% ad val	35% ad val.
A	437.55	Haarlem oil	6% ad val	25% ad val.
		Hormones:		
		Synthetic:		
A	437.56	Adrenocortical hormones	10.5% ad val	25% ad val.
A	437.57	Other	5% ad val	25% ad val.
		Natural:		
A	437.58	Not artificially mixed	2% ad val	10% ad val.
A	437.60	Other	5% ad val	25% ad val.
A*	437.64	Menthol	17¢ per lb	50¢ per lb.
A	437.65	Meso-inositol hexanicotinate, whether or not regarded as a vitamin.	5% ad val	25% ad val.
	437.66	Santonin and its salts	Free	Free.
		Tannic acid containing by weight 50% or more of tannic acid:		
A	437.68	Conforming to the specifications for tannic acid contained in the National Formulary, XI.	4.5¢ per lb	18¢ per lb.
A	437.69	Other	4¢ per lb	11¢ per lb.
A	437.70	Terpin hydrate	14% ad val	35% ad val.
A	437.72	Thymol	6% ad val	35% ad val.
A	437.74	Tinctures of opium such as laudanum and other liquid preparations of opium.	30% ad val	60% ad val.
	437.76	Viruses, therapeutic serums, vaccines, toxins, antitoxins, and analogous biological products; human blood and fractions thereof; human skin and bone grafts, and other anatomical parts of the human body prepared for diagnostic or therapeutic purposes.	Free	Free.
		Vitamins:		
A	437.82	Synthetic	4% ad val	25% ad val.
		Natural:		
A	437.84	Not artificially mixed	2% ad val	10% ad val.
A	437.86	Other	4% ad val	25% ad val.

See footnotes at end of table.

PART 3—DRUGS AND RELATED PRODUCTS—Continued

[28 F.R. 8805]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Alkaloids, Antibiotics, Barbiturates, Hormones, Vitamins, and other Drugs and Related Products—Continued		
		Any of the products provided for in this subpart when imported in ampoules, capsules, jubes, lozenges, pills, tablets, troches, or similar forms, including powders put up in medicinal doses:		
A	438.01	Vitamins	4% ad val	25% ad val.
A	438.02	Other	The rate provided for such product in this subpart, but not less than 5% ad val.	The rate provided for such product in this subpart, but not less than 25% ad val.
		Subpart C—Other Drugs		
		Drugs, not provided for in subpart A or B of this part:		
		Natural drugs, crude or advanced:		
	439.10	Crude	Free	Free.
A	439.30	Advanced	1.5% ad val	10% ad val.
A	439.50	Other, including synthetic drugs	5% ad val	25% ad val.
A	440.00	Any of the products provided for in this subpart when imported in ampoules, capsules, jubes, lozenges, pills, tablets, troches, or similar forms, including powders put up in medicinal doses.	The rate provided for such product in this subpart, but not less than 5% ad val.	The rate provided for such product in this subpart, but not less than 25% ad val.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 435.10, 435.40, 435.45, 435.70, 436.00, 437.00, 437.02, 437.04, 437.06, 437.10, 437.12, 437.13, 437.14, 437.16, 437.18, 437.20, 437.22, 437.24, 437.30, 437.32, 437.36, 437.38, 437.40, 437.44, 437.49, 437.50, 437.51, 437.52, 437.54, 437.55, 437.57, 437.58, 437.60, 437.64, 437.65, 437.68, 437.69, 437.70, 437.72, 437.74, 437.82, 437.84, 437.86, 438.01, 438.02, 439.30, 439.50 and 440.00, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this part reflect the rates effective on and after Jan. 1, 1972.

PART 4—SYNTHETIC RESINS AND PLASTICS MATERIALS; RUBBER

[28 F.R. 8809]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Synthetic Resins and Plastics Materials		
		Subpart A headnotes:		
		1. This subpart does not cover synthetic plastics and materials provided for in part 1C of this schedule, but the addition of any product described in part 1 of this schedule to a synthetic plastics material described in this subpart as an antioxidant, color, dispersing agent, emulsifier, extender, filler, pesticide, plasticizer, or stabilizer does not affect the classification of such synthetic plastics material in this subpart.		
		2. The term "synthetic plastics materials", in this subpart, embraces products formed by the condensation, polymerization or copolymerization of organic chemicals and to which an antioxidant, color, dispersing agent, emulsifier, extender, filler, pesticide, plasticizer, or stabilizer may have been added. These products contain as an essential ingredient an organic substance of high molecular weight; are capable, at some stage during processing into finished articles, of being molded or shaped by flow; and are solid in the finished article. The term includes, but is not limited to, such products derived from esters of acrylic or methacrylic acid; vinyl acetate, vinyl chloride resins, polyvinyl alcohol, acetals, butyral, formal resins, polyvinyl ether and ester resins, and polyvinylidene chloride resins; urea and amino resins; polyethylene, polyprophlene, and other polyalkene resins; siloxanes, silicones, and other organo-silicon resins; alkyd, acrylonitrile, allyl, and formaldehyde resins; and cellulosic plastics materials. These synthetic plastics materials may be in solid, semisolid, or liquid condition such as flakes, powders, pellets, granules, solutions, emulsions, and other basic crude forms not further processed.		

PART 4—SYNTHETIC RESINS AND PLASTICS MATERIALS; RUBBER—Continued

[28 F.R. 8809]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Synthetic Resins and Plastics Materials—Continued		
		Synthetic plastics materials:		
A	445.05	Acrylic and methacrylic acid resins	1.3¢ per lb. +10% ad val	4¢ per lb. +30% ad val.
A	445.10	Acrylonitrile resins	1.3¢ per lb. +10% ad val	4¢ per lb. +30% ad val.
A	445.15	Allyl resins	1.3¢ per lb. +10% ad val	4¢ per lb. +30% ad val.
		Cellulosic plastics materials:		
A	445.20	Cellulose acetate	6¢ per lb	50¢ per lb.
A	445.25	Other	9.7¢ per lb	40¢ per lb.
A	445.30	Polyethylene resins	1.3¢ per lb. +10% ad val	4¢ per lb. +30% ad val.
A	445.35	Urea and amino (including melamine) resins	1.3¢ per lb. +10% ad val	4¢ per lb. +30% ad val.
		Vinyl resins:		
A	445.40	Polyvinyl acetate and vinyl resins containing by weight 50 percent or more of derivatives of vinyl acetate.	0.6¢ per lb. +3% ad val	4¢ per lb. +30% ad val.
A	445.45	Other	1.25¢ per lb. +6% ad val	4¢ per lb. +30% ad val.
A	445.50	Other	1.3¢ per lb. +10% ad val	4¢ per lb. +30% ad val.
A	445.75	Artificial mixtures of two or more of the foregoing plastics materials.	The highest rate applicable to any component material.	The highest rate applicable to any component material.
		Subpart B—Rubber		
		Subpart B headnotes: 1. This subpart covers all rubber whether or not obtained, derived, or manufactured in whole or in part from any product described in part 1 of this schedule. 2. For the purposes of the tariff schedules, the term "rubber" means a substance, whether natural or synthetic, in bale, crumb, powder, latex, or other crude form, which can be vulcanized or otherwise cross linked, and which after cross linking can be stretched at 68° F. to at least three times its original length and which, after having been stretched to twice its original length and the stress removed, returns within 5 minutes to less than 150 percent of its original length, and includes such substance whether or not containing fillers, extenders, pigments, or rubber-processing chemicals.		
		Natural rubber:		
	446.05	Not containing fillers, extenders, pigments, or rubber-processing chemicals.	Free	Free.
A	446.10	Containing fillers, extenders, pigments, or rubber-processing chemicals.	5% ad val	20% ad val.
A	446.12	Chlorinated natural rubber	5% ad val	20% ad val.
A	446.15	Synthetic rubber	3% ad val	20% ad val.
	446.20	Reclaimed rubber of all kinds	Free	Free.
A	446.30	Mixtures of any of the foregoing	5% ad val	20% ad val.

AMENDMENTS

Subpart A, headnotes 1 and 2, amended by Pub. L. 89-241, §§ 2(a), 25(1), (2), Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 445.05, 445.10, 445.15, 445.20, 445.25, 445.30, 445.35, 445.40, 445.45, 445.50, 446.10, 446.12, 446.15 and 446.30, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 5—FLAVORING EXTRACTS; ESSENTIAL OILS

[28 F.R. 8811]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Flavoring Extracts, and Fruit Flavors, Essences, Esters, and Oils		
		Subpart A headnote: 1. This subpart covers flavoring extracts of vegetable origin, and fruit flavors, essences, esters, and oils, both natural and synthetic, including flavors which are artificial mixtures containing aromatic or odoriferous compounds provided for in part 1C of this schedule.		
		Flavoring extracts, and fruit flavors, essences, esters, and oils, all the foregoing whether or not containing ethyl alcohol:		
		Not containing alcohol:		
A	450.10	In ampoules, capsules, tablets, or similar forms	6% ad val	25% ad val.
A	450.20	Other	6% ad val	25% ad val.

PART 5—FLAVORING EXTRACTS; ESSENTIAL OILS—Continued

[28 F.R. 8811]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Flavoring Extracts, and Fruit Flavors, Essences, Esters, and Oils—Continued		
		Flavoring extracts, and fruit flavors, etc.—Continued		
		Containing alcohol:		
	450.30	Containing not over 20 percent of alcohol by weight.	3¢ per lb. +3% ad val	20¢ per lb. +25% ad val.
	450.40	Containing over 20 percent but not over 50 percent of alcohol by weight.	6¢ per lb. +3% ad val	40¢ per lb. +25% ad val.
	450.50	Containing over 50 percent of alcohol by weight	12¢ per lb. +4% ad val	80¢ per lb. +25% ad val.
		Subpart B—Essential Oils		
		Oils, distilled, or essential, including terpeneless oils:		
	452.02	Almond, bitter	Free	Free.
	452.04	Anise	Free	Free.
	452.06	Bergamot	Free	Free.
	452.08	Camphor	Free	Free.
	452.10	Caraway	Free	Free.
	452.12	Cassia	Free	Free.
	452.14	Cedar leaf	Free	25% ad val.
	452.16	Cinnamon	Free	Free.
	452.18	Citronella	Free	Free.
	452.20	Clove	Free	25% ad val.
	452.22	Cornmint, including "peppermint" derived from *mentha arvensis.*	Free	25% ad val.
A	452.24	Eucalyptus	3.5% ad val	15% ad val.
	452.26	Geranium	Free	Free.
	452.28	Grapefruit	6% ad val	25% ad val.
	452.32	Lavender and spike lavender	Free	Free.
	452.34	Lemon	8.5% ad val	25% ad val.
	452.36	Lemongrass	Free	Free.
	452.38	Lime	Free	Free.
	452.40	Lignaloe or bois de rose	Free	Free.
	452.42	Neroli (orange flower)	Free	Free.
	452.44	Orange	6% ad val	25% ad val.
	452.46	Origanum	Free	Free.
A	452.48	Orris	3% ad val	25% ad val.
	452.50	Palmarosa	Free	Free.
	452.52	Patchouli	Free	25% ad val.
A	452.54	Peppermint derived from *mentha piperita*	12.5% ad val	25% ad val.
	452.56	Pettigrain	Free	Free.
A	452.58	Pine needle	2% ad val	25% ad val.
	452.60	Rose (attar of roses)	Free	Free.
	452.62	Rosemary	Free	Free.
	452.64	Sandalwood	Free	25% ad val.
	452.66	Thyme	Free	Free.
	452.68	Vetivert	Free	25% ad val.
	452.70	Ylang ylang (cananga)	Free	Free.
A	452.80	Other	3% ad val	25% ad val.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 450.10, 450.20, 450.30, 450.40, 450.50, 452.14, 452.20, 452.22, 452.24, 452.28, 452.34, 452.44, 452.48, 452.52, 452.54, 452.58, 452.64, 452.68 and 452.80, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 6—GLUE, GELATIN, AND RELATED PRODUCTS

[28 F.R. 8813]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 6 headnote: 1. The glue, gelatin, and other products in this part are products of animal or vegetable origin. The classification of these products in the provisions of this part is not affected by the addition to such products of any product described in part 1 of this schedule as a deodorant or preservative or to control viscosity.		
A	455.02	Agar agar	7.5% ad val	25% ad val.
	455.04	Pectin	5% ad val	25% ad val.
A	455.06	Isinglass	8.5% ad val	25% ad val.
	455.08	Bones, crude, steamed, or ground	Free	Free.
	455.10	Hide cuttings, raw, with or without hair	Free	Free.
	455.12	Ossein	Free	Free.
	455.14	Glue stock, not specially provided for	Free	Free.
		Edible gelatin:		
A	455.16	Valued under 40 cents per pound	0.8¢ per lb. +4% ad val	5¢ per lb. +12% ad val.
A	455.18	Valued 40 or more but not over 80 cents per pound	1.3¢ per lb. +5% ad val	7¢ per lb. +20% ad val.
A	455.20	Valued over 80 cents per pound	2¢ per lb. +6% ad val	7¢ per lb. +20% ad val.

PART 6—GLUE, GELATIN, AND RELATED PRODUCTS—Continued

[28 F.R. 8813]

GSP	Item	Articles	Rates of Duty	
			1	2
		Photographic gelatin:		
A	455.22	Valued not over 80 cents per pound	1.3¢ per lb. +5% ad val	7¢ per lb. +20% ad val.
A	455.24	Valued over 80 cents per pound	2¢ per lb. +6% ad val	7¢ per lb. +25% ad val.
		Glue, glue size, and inedible gelatin:		
		Vegetable glue:		
A	455.30	Valued under 40 cents per pound	0.5¢ per lb. +6% ad val	2¢ per lb. +25% ad val.
A	455.32	Valued 40 cents or more per pound	2¢ per lb. +6% ad val	8¢ per lb. +25% ad val.
A	455.34	Casein glue	7.5% ad val	30% ad val.
		Fish glue:		
A	455.36	Valued under 40 cents per pound	0.25¢ per lb. +3.5% ad val.	2¢ per lb. +25% ad val.
A	455.38	Valued 40 cents or more per pound	2¢ per lb. +6% ad val	8¢ per lb. +25% ad val.
		Inedible gelatin and animal glue:		
	455.40	Valued under 40 cents per pound	0.8¢ per lb. +5% ad val	2.5¢ per lb. +20% ad val.
	455.42	Valued 40 cents or more per pound	2¢ per lb. +6% ad val	8¢ per lb. +25% ad val.
		Glue size:		
A	455.44	Valued under 40 cents per pound	0.25¢ per lb. +3.5% ad val.	2¢ per lb. +25% ad val.
A	455.46	Valued 40 cents or more per pound	2¢ per lb. +6% ad val	8¢ per lb. +25% ad val.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 455.02, 455.04, 455.06, 455.16, 455.18, 455.20, 455.22, 455.24, 455.30, 455.32, 455.34, 455.36, 455.38, 455.40, 455.42, 455.44 and 455.46, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 7—AROMATIC OR ODORIFEROUS SUBSTANCES; PERFUMERY, COSMETICS AND TOILET PREPARATIONS

[28 F.R. 8815]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Aromatic and Odoriferous Substances		
		Subpart A headnote:		
		1. This subpart covers aromatic or odoriferous substances, natural and synthetic (including artificial mixtures containing aromatic or odoriferous compounds provided for in part 1C of this schedule, but not including products provided for in part 5 of this schedule), which are chiefly used in the manufacture of perfumery, cosmetics, or toilet preparations, or otherwise for the purpose of scenting or of counteracting undesirable odors, but which themselves are not marketable as perfumery, cosmetics, or toilet preparations.		
	460.05	Enfleurage greases, floral essences, floral concretes, and other aromatic or odoriferous substances obtained from natural substances by en leurage, maceration, or extraction, all the foregoing containing no alcohol.	Free	Free.
		Aromatic or odoriferous substances containing no alcohol or not over 10 percent alcohol by weight:		
		Not artificial mixtures (other than substances admixed with alcohol):		
A	460.10	Ambergris	4% ad val	20% ad val.
A	460.15	Anethol	12% ad val	45% ad val.
	460.20	Castoreum	10% ad val	20% ad val.
A	460.25	Citral	12% ad val	45% ad val.
A	460.30	Civet	8% ad val	20% ad val.
A*	460.35	Geraniol	7.5% ad val	45% ad val.
	460.40	Heliotropin	12% ad val	45% ad val.
A	460.45	Hydroxycitronellal	7.5% ad val	45% ad val.
A	460.50	Ionone	12% ad val	45% ad val.
A	460.55	Linalyl acetate	18% ad val	45% ad val.
A*	460.60	Musk, grained or in pods	10% ad val	20% ad val.
A	460.65	Rhodinol	12% ad val	45% ad val.
A	460.70	Safrol	15% ad val	45% ad val.
A	460.75	Terpineol	12% ad val	45% ad val.
A	460.80	Other	12% ad val	45% ad val.
A	460.85	Artificial mixtures	8¢ per lb. +6% ad val	40¢ per lb. +50% ad val.
A	460.90	Aromatic and odoriferous substances containing over 10 percent alcohol by weight.	8¢ per lb. +7.5% ad val	40¢ per lb. +75% ad val.
		Subpart B—Perfumery, Comestics, and Toilet Preparations		
		Subpart B headnote:		
		1. The term "cosmetics and other toilet preparations" in this subpart covers products such as dentifrices, powders, lotions, pastes, and creams, whether or not described in part 1 of this schedule, chiefly used in applications to the surface of the human body for lending attractiveness, for theatrical make-up, or for cleansing or conditioning the hair, mouth, teeth, skin, or nails, but the term does not include any of the products described in part 8 of this schedule.		

PART 7—AROMATIC OR ODORIFEROUS SUBSTANCES; PERFUMERY, COSMETICS AND TOILET PREPARATIONS—Continued

[28 F.R. 8815]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Perfumery, Cosmetics, and Toilet Preparations—Continued		
		Bath salts, whether or not having medicinal properties:		
A*	461.05	Not perfumed	7.5% ad val	25% ad val.
A	461.10	Perfumed	10% ad val	75% ad val.
A*	461.15	Bay rum or bay water	8¢ per lb. +12% ad val	40¢ per lb. +60% ad val.
A	461.20	Floral or flower waters	4% ad val	20% ad val.
		Perfumes, colognes, and toilet waters:		
A	461.30	Not containing alcohol	7.5% ad val	75% ad val.
A	461.35	Containing alcohol	8¢ per lb. +7.5% ad val	40¢ per lb. +75% ad val.
		Cosmetics and other toilet preparations:		
A	461.40	Not containing alcohol	7.5% ad val	75% ad val.
A	461.45	Containing alcohol	8¢ per lb. +7.5% ad val	40¢ per lb. +75% ad val.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 460.10, 460.15, 460.20, 460.25, 460.30, 460.35, 460.40, 460.45, 460.50, 460.55, 460.60, 460.65, 460.70, 460.75, 460.80, 460.85, 460.90, 461.05, 461.10, 461.15, 461.20, 461.30, 461.35, 461.40 and 461.45, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 8—SURFACE-ACTIVE AGENTS; SOAPS AND SYNTHETIC DETERGENTS

[28 F.R. 8817]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 8 headnote:		
		1. This part covers surface-active agents, soaps, and synthetic detergents, except those provided for in items 405.30 and 405.35 of part 1C of this schedule. This part also covers certain specified products which may or may not be surface-active agents. The addition of any product described in part 1 of this schedule to these products as a color, brightener, germicide, deodorizer, whitener, or scent does not affect their classification under this part (8).		
		Subpart A—Surface-Active Agents		
		Subpart A headnotes:		
		1. The term *"surface-active agents"*, as used in item 465.95 means synthetic organic chemical compounds, or mixtures thereof, which function as surface tension modifiers and are chiefly used for any one or combination of the following purposes: As detergents, wetting agents, emulsifiers, dispersants, or foaming agents.		
		Fatty substances of animal (including marine animal) or vegetable origin:		
		Not sulfonated or sulfated:		
		Fatty-acid esters, ethers and ether-esters of polyhydric alcohols:		
A	465.05	Derived from coconut, palm-kernel, or palm oil	1.5¢ per lb. +7.5% ad val.[3].	6¢ per lb. +30% ad val.[3]
A	465.10	Other	1.8¢ per lb. +7.5% ad val	7.5¢ per lb. +30% ad val.
		Fatty-acid amides, amines, and quaternary ammonium salts:		
A	465.15	Derived from coconut, palm-kernel, or palm oil	1.5¢ per lb. +7.5% ad val.[3].	6¢ per lb. +30% ad val.[3]
	465.20	Other	1.8¢ per lb. +7.5% ad val	7.5¢ per lb. +30% ad val.
		Sodium and potassium salts of fats, oils, and greases, and of fatty acids derived therefrom:		
A	465.25	Derived from coconut, palm-kernel, or palm oil	5% ad val.[3]	25% ad val.[3]
A	465.30	Other	0.7¢ per lb. +5% ad val	3¢ per lb. +25% ad val.
		Sulfonated or sulfated:		
		Fatty acids and salts of fatty acids:		
A	465.35	Derived from coconut, palm-kernel, or palm oil	5% ad val.[3]	25% ad val.[3]
A	465.40	Other	0.7¢ per lb. +5% ad val	3¢ per lb. +25% ad val.
		Fatty alcohols and salts of fatty alcohols:		
A	465.45	Derived from coconut, palm-kernel, or palm oil	5% ad val.[3]	25% ad val.[3]
A	465.50	Other	0.7¢ per lb. +5% ad val	3¢ per lb. +25% ad val.
		Fatty-acid esters, ethers, amides, and amines:		
A	465.55	Derived from coconut, palm-kernel, or palm oil	5% ad val.[3]	25% ad val.[3]
A	465.60	Other	0.3¢ per lb. +5% ad val	1.5¢ per lb. +25% ad val.
		Fats, oils, and greases, all the foregoing sulfonated or sulfated:		
A	465.65	Coconut, palm-kernel, and palm oils	7% ad val.[3]	35% ad val.[3]
A*	465.70	Tallow	0.3¢ per lb. +7% ad val	3¢ per lb. +35% ad val.
A	465.75	Wool grease	1¢ per lb. +7% ad val	3¢ per lb. +35% ad val.
		Other:		
A	465.80	Animal (including marine animal)	0.7¢ per lb. +7% ad val	3¢ per lb. +35% ad val.
A	465.85	Vegetable	7% ad val	35% ad val.
A	465.87	Carboxymethyl cellulose salts	8¢ per lb	45¢ per lb.
A	465.90	Dibasic-acid esters, ethers, amides and amines, all the foregoing sulfonated or sulfated.	5% ad val	25% ad val.

See footnotes at end of table.

PART 8—SURFACE-ACTIVE AGENTS; SOAPS AND SYNTHETIC DETERGENTS—Continued

[28 F.R. 8817]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Surface-Active Agents—Continued		
A	465.92	Lignin sulfonic acid and its salts	5% ad val	20% ad val.
A	465.95	Surface-active agents (except surface-active agents described elsewhere in this part).	5% ad val	25% ad val.
		Subpart B—Soap and Synthetic Detergents		
		Subpart B headnote: 1. For the purposes of this subpart— (a) the terms "soap" and "soap powder" embrace formulated products, which are used chiefly for household, laundry, and industrial cleaning purposes, and which contain salts of fatty acids, (usually sodium or potassium salts of such fatty acids as lauric, oleic, palmitic, and stearic acids) obtained directly or indirectly from natural oils, fats, and greases, and which may contain added ingredients such as colors, brighteners, perfumes, and builders and extenders including rosin, wax, inorganic salts, and alkaline detergents; and (b) the term "synthetic detergents" embraces formulated materials which are used chiefly for household, laundry, and industrial cleaning purposes, and which consist of one or more surface-active agents as the active ingredients in combination with colors, brighteners, perfumes, inert diluents, builders and extenders such as inorganic salts, polyphosphates, and polysilicates or sodium carboxymethylcellulose.		
A	466.05	Castile soap	5% ad val	15% ad val.
		Toilet soap:		
A	466.10	Valued not over 20 cents per pound	0.5¢ per lb. +5% ad val	2¢ per lb. +30% ad val.
A	466.15	Valued over 20 cents per pound	0.8¢ per lb. +5% ad val	2¢ per lb. +30% ad val.
A	466.20	Soap made in whole or in part from castor oil	7% ad val	35% ad val.
A	466.25	Other soap and soap powder (including all medicinal soap and soap powder).	0.5¢ per lb. +4% ad val	2¢ per lb. +15% ad val.
A	466.30	Synthetic detergents	5% ad val	25% ad val.

AMENDMENTS

Headnote 1 amended by Pub. L. 89-241, §§ 2(a), 24(b), Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Subpart A, headnote 2, repealed by Pub. L. 89-388, §§ 1(f)(2), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Items 465.05 and 465.15 amended by Pub. L. 89-388, §§ 1(e)(1), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Items 465.25, 465.35, 465.45 and 465.65 amended by Pub. L. 89-388, §§ 1(e)(2), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Item 465.55 amended by Pub. L. 89-388, §§ 1(e)(3), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Item 465.87 added by Pub. L. 89-241, §§ 2(a), 24(b), Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 465.92 added by Pub. L. 89-241, §§ 2(a), 24(d), Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 FR 19002, prescribed modifications in rates of duty for items 465.05, 465.10, 465.15, 465.20, 465.25, 465.30, 465.35, 465.40, 465.45, 465.50, 465.55, 465.60, 465.65, 465.70, 465.75, 465.80, 465.85, 465.87, 465.90, 465.92, 465.95, 466.05, 466.10, 466.15, 466.20, 466.25 and 466.30, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 9—DYEING AND TANNING PRODUCTS; PIGMENTS AND PIGMENT-LIKE MATERIALS; INKS, PAINTS, AND RELATED PRODUCTS

[28 F.R. 8821]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 9 headnote: 1. Any product described in this part and also in part 1 of this schedule is classifiable under said part 1, except varnishes, inks, and artists', students', and children's pigments or paints.		
		Subpart A—Dyeing and Tanning Products		
		Subpart A headnotes: 1. This subpart covers only materials, extracts, decoctions, and other preparations suitable for coloring (in-		

PART 9—DYEING AND TANNING PRODUCTS; PIGMENTS AND PIGMENT-LIKE MATERIALS; INKS, PAINTS, AND RELATED PRODUCTS—Continued

[28 F.R. 8821]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Dyeing and Tanning Products—Continued		
		Subpart A headnotes—Continued		
		cluding dyeing and staining) or for tanning. All the products provided for are of vegetable origin except cochineal (item 470.05) which is of animal origin.		
		2. For the purposes of this subpart—		
		(a) the term "crude or processed" means materials which are crude or which have been processed by shredding, grinding, chipping, crushing, or any similar process, but not otherwise processed; and		
		(b) the term "cutch" refers to products obtained from the Acacia catechu or Areca catechu trees.		
	470.05	Annato, archil, cochineal, cudbear, and litmus	Free	Free.
		Brazil wood, cutch, fustic, henna, logwood, madder, Persian berry, safflower, and saffron:		
	470.10	Crude or processed	Free	Free.
A	470.15	Other	4% ad val	15% ad val.
		Canaigre, chestnut, curupay, divi-divi, eucalyptus, hemlock, larch, and tara:		
	470.20	Crude or processed	Free	Free.
		Other:		
	470.23	Chestnut, divi-divi, and hemlock	Free	15% ad val.[4]
A	470.25	Other	6% ad val.[4]	15% ad val.[4]
	470.30	Gall nuts, crude or processed	Free	Free.
	470.40	Gambier	Free	Free.
		Mangrove, myrobalan, oak, quebracho, sumac, urunday, and wattle:		
	470.50	Crude or processed	Free	Free.
		Other:		
A	470.55	Myrobalan and sumac	2.5% ad val.[4]	15% ad val.[4]
A	470.57	Other	3.5% ad val.[4]	15% ad val.[4]
		Valonia:		
	470.60	Crude or processed	Free	Free.
	470.65	Other	Free	15% ad val.[4]
		Products of vegetable origin used chiefly for coloring or tanning, not specially provided for:		
	470.80	Crude or processed	Free	Free.
A	470.85	Other	4% ad val	15% ad val.
		Subpart B—Pigments and Pigment-like Materials		
		Subpart B headnote:		
		1. The term "pigments", as used in this subpart, means products consisting of fine solid particles or powder, in dry form, in pulp, or ground in or fixed with oil, water, or other vehicle, commonly known as pigments and suitable for use in imparting color (including black and white) to paints, inks, rubber, plastics, linoleum, and other products.		
		Barium carbonate:		
		Natural (Witherite):		
	472.02	Crude	Free	Free.
	472.04	Ground	6% ad val	30% ad val.
A	472.06	Precipitated	0.6¢ per lb	1.5¢ per lb.
		Barium sulfate:		
		Natural (Barytes):		
A	472.10	Crude	$1.27 per ton	$4 per ton.
	472.12	Ground	$3.25 per ton	$7.50 per ton.
A	472.14	Precipitated (blanc fixe)	0.3¢ per lb	1.25¢ per lb.
		Calcium carbonate:		
		Natural:		
	472.20	Chalk, crude	Free	Free.
	472.22	Chalk whiting	0.05¢ per lb	0.4¢ per lb.
A	472.24	Precipitated	5% ad val	25% ad val.
A	472.30	Calcium sulfate, precipitated, and satin white	0.4¢ per lb	0.5¢ per lb.
		Iron-oxide and iron-hydroxide pigment materials, natural, if crude or washed but not ground:		
A	472.40	Ochers	0.06¢ per lb	0.37¢ per lb.
		Siennas:		
A	472.42	Crude	0.03¢ per lb	0.125¢ per lb.
A	472.44	Washed	0.1¢ per lb	per lb.
		Umbers:		
	472.46	Crude	Free	0.125¢ per lb.
A	472.48	Washed	0.09¢ per lb	0.375¢ per lb.
A	472.50	Other	10% ad val.[5]	20% ad val.
		Pigments (except pigments, in dry form, described in the foregoing provisions of this subpart):		
		Containing carbon:		
A	473.02	Bone black	5% ad val	20% ad val.
	473.04	Carbon black	Free	20% ad val.
A	473.06	Lampblack	5% ad val	20% ad val.
		Containing chromium:		
A	473.10	Chrome green	5% ad val	25% ad val.
A	473.12	Chrome yellow	5% ad val	25% ad val.

See footnotes at end of table.

PART 9—DYEING AND TANNING PRODUCTS; PIGMENTS AND PIGMENT-LIKE MATERIALS; INKS, PAINTS, AND RELATED PRODUCTS—Continued

[28 F.R. 8821]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Pigments and Pigment-like Materials—Cont.		
		Pigments (except pigments, in dry form, described in the foregoing provisions of this subpart)—Continued		
		Containing chromium—Continued		
A	473.14	Chromium oxide green	5% ad val	25% ad val.
A	473.16	Hydrated chromium oxide green	5% ad val	25% ad val.
A	473.18	Molybdenum orange	5% ad val	25% ad val.
A	473.19	Strontium chromate	5% ad val	25% ad val.
A	473.20	Zinc yellow	5% ad val	25% ad val.
		Containing copper:		
A	473.24	Cuprous oxide	0.6¢ per lb.+7.5% ad val.	3¢ per lb.+35% ad val.
		Containing iron:		
A	473.28	Ferricyanide and ferrocyanide blues	2.7¢ per lb	8¢ per lb.
		Iron oxides and iron hydroxides:		
A	473.30	Synthetic	5% ad val	20% ad val.
		Natural:		
A	473.32	Others	0.06¢ per lb	0.375¢ per lb.
A	473.36	Siennas	0.1¢ per lb	0.375¢ per lb.
A	473.38	Umbers	0.09¢ per lb	0.375¢ per lb.
	473.40	Other	10% ad val.*	20% ad val.
		Containing lead:		
A	473.44	Blue lead (sublimed blue lead)	10% ad val	30% ad val.
		Leaded zinc oxides:		
		Containing not over 25 percent of lead by weight:		
A*	473.46	Dry	0.45¢ per lb	1.75¢ per lb.
A*	473.48	Other	0.8¢ per lb	2.25¢ per lb.
A	473.50	Containing over 25 percent of lead by weight	10% ad val	30% ad val.
A*	473.52	Litharge	1.25¢ per lb	2.5¢ per lb.
A	473.54	Orange mineral	1¢ per lb	3¢ per lb.
A*	473.56	Red lead	1.875¢ per lb	2.75¢ per lb.
A*	473.58	Suboxide of lead (leady litharge)	15% ad val	30% ad val.
		White lead:		
A	473.60	Basic carbonate	0.8¢ per lb	2.5¢ per lb.
A*	473.62	Basic sulfate (sublimed white lead)	10% ad val	30% ad val.
		Containing mercury:		
A*	473.66	Vermillion reds	24¢ per lb	35¢ per lb.
		Containing titanium:		
A	473.70	Titanium dioxide	7.5% ad val	30% ad val.
		Containing zinc:		
		Lithopone:		
A	473.72	Containing under 30% zinc sulfide by weight	0.43¢ per lb	1.75¢ per lb.
A	473.74	Containing 30% or more zinc sulfide by weight	0.43¢ per lb.+3.5% ad val.	1.75¢ per lb.+15% ad val.
		Zinc oxide:		
A	473.76	Dry	0.6¢ per lb	1.75¢ per lb.
A	473.78	Other	1¢ per lb	2.25¢ per lb.
A	473.80	Zinc sulfide	1.2¢ per lb	3¢ per lb.
		Other pigments:		
A	473.82	Pearl essence	4.5% ad val	25% ad val.
A	473.84	Ultramarine blue and blues containing ultramarine	1¢ per lb	4¢ per lb.
A	473.86	Vandyke brown (Cassel earth or Cassel brown)	8.5% ad val	25% ad val.
		Not specially provided for:		
A	473.88	Not containing lead	4% ad val	25% ad val.
A	473.90	Containing lead	10% ad val	30% ad val.

Subpart C—Inks, Paints, and Related Products

Subpart C headnotes:

1. The provision in this subpart for artists', students', and children's pigments and paints assembled into sets (item 474.08) covers only pigments and paints assembled in such container and form, and with such assortment of articles, as to be suitable for sale at retail to artists, students, or children as a paint set, kit, or color outfit.

2. The term "paints and enamel paints" in this subpart covers dispersions of pigments or pigment-like materials with a liquid (vehicle) which are suitable for application to surfaces as a thin layer, and which dry (harden) to an opaque, solid film. The vehicle of paints consists of drying oils or resins which bind the pigment particles together in the film; and the vehicle of enamel paints is principally varnish. Paints and enamel paints may also contain thinners, driers, plasticizers, or other agents.

3. The term "varnishes" in this subpart covers liquid surface-coating products which contain no pigments or pigment-like materials, and which dry (harden) to a transparent or translucent film. Shellac varnishes are solutions of shellac or any other form of lac in a volatile solvent such as ethyl alcohol. Oleoresinous varnishes consists of resins dissolved in or reacted with a drying oil, to which thinners, driers, and plasticizers may be added. Cellulose-derivative varnishes (lacquers) are solutions of cellulose nitrate or other cellulose derivatives in a volatile solvent.

See footnotes at end of table.

PART 9—DYEING AND TANNING PRODUCTS; PIGMENTS AND PIGMENT-LIKE MATERIALS; INKS, PAINTS, AND RELATED PRODUCTS—Continued

[28 F.R. 8821]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Inks, Paints, and Related Products—Continued		
		Subpart C headnotes—Continued 4. The term "stains" in this subpart covers liquids containing transparent or semitransparent pigments, dyes, or chemicals, chiefly used to deepen or otherwise alter the color of wood, but which will not obscure its grain, texture, or markings.		
		Artists', students', and children's pigments and paints, in cakes, jars, pans, tubes, or other forms, and such pigments and paints assembled into sets with or without brushes, outline drawings, stencils, water pans, or other articles:		
		In any form not over 1.5 pounds net weight each:		
		Not assembled into sets:		
A	474.02	Valued under 20 cents per dozen pieces	0.37¢ per piece	0.75¢ per piece.
		Valued 20 cents or more per dozen pieces:		
A	474.04	In jars or tubes	0.7¢ per piece +4% ad val.	2¢ per piece +40% ad val.
A	474.06	In cakes, pans, or other forms	0.62¢ per piece +6% ad val	1.25¢ per piece +40% ad val.
A	474.08	Assembled into sets with or without brushes, outline drawings, stencils, water pans, or other articles.	12% ad val. on the entire set.	70% ad val. on the entire set.
		Inks and ink powders:		
A	474.20	Ink powders	2% ad val	10% ad val.
A	474.22	Drawing ink	4% ad val	15% ad val.
A	474.26	Other inks	2% ad val	10% ad val.
		Paints and enamel paints:		
A	474.30	Not containing titanium pigments	4% ad val	25% ad val.
A	474.35	Containing titanium pigments	7.5% ad val	30% ad val.
		Varnishes:		
A	474.40	Shellac	4% ad val	25% ad val.
A	474.42	Oleoresinous	5% ad val	25% ad val.
A	474.44	Cellulose derivative	6¢ per lb	30¢ per lb.
A	474.46	Other	5% ad val	25% ad val.
A	474.50	Stains	4% ad val	25% ad val.
		Putty and similar caulking or glazing products:		
A	474.60	Chalk whiting putty	0.2¢ per lb	0.75¢ per lb.
A	474.62	Other	5% ad val	20% ad val.

AMENDMENTS

Subpart B, headnote 1, amended by Pub. L. 89-241, §§ 2(a), 26, Oct. 7, 1965, 79 Stat. 933, 938, 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 470.15, 470.23, 470.55, 470.57, 470.65, 470.85, 472.04, 472.06, 472.10, 472.12, 472.14, 472.22, 472.24, 472.30, 472.40, 472.42, 472.44, 472.46, 472.48, 472.50, 473.02, 473.04, 473.06, 473.10, 473.12, 473.14, 473.16, 473.18, 473.19, 473.20, 473.24, 473.28, 473.30, 473.32, 473.36, 473.38, 473.40, 473.44, 473.46, 473.48, 473.50, 473.54, 473.60, 473.62, 473.66, 473.70, 473.72, 473.74, 473.80, 473.82, 473.84, 473.86, 473.88, 473.90, 474.02, 474.04, 474.06, 474.08, 474.20, 474.22, 474.26, 474.30, 474.35, 474.40, 474.42, 474.44, 474.46, 474.50, 474.60 and 474.62, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 10—PETROLEUM, NATURAL GAS, AND PRODUCTS DERIVED THEREFROM[1]

[28 F.R. 8827]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 10 headnotes: 1. Any product described in this part and also in part 1 of this schedule is classifiable in said part 1, except fuel oils, motor fuel, and lubricating oils and greases, containing by weight not over 25 percent of any product described in said part 1. This part does not cover— (i) paraffin and other petroleum waxes (see part 13B of this schedule), or (ii) petroleum asphalts (see part 1J of schedule 5). 2. For the purposes of this part— (a) "Reconstituted crude petroleum" (items 475.05 and 475.10) is a product which is essentially the equivalent of crude petroleum and which is made by adding fuel oil, naphtha, or other petroleum fractions to crude or topped crude petroleum; and (b) "Motor fuel" (item 475.25) is any product derived primarily from petroleum, shale, or natural gas, whether or not containing additives, which is chiefly used as a fuel in internal-combustion or other engines.		

See footnotes at end of table.

PART 10—PETROLEUM, NATURAL GAS, AND PRODUCTS DERIVED THEREFROM*—Continued

[28 F.R. 8827]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 10 headnotes—Continued* 3. For the purposes of items 475.65 and 475.70 of this part— (a) a product is considered to be in liquid form if— (i) the penetration is more than 350 units (35 millimeters) when tested by the procedure and equipment specified in American Society of Testing Materials (ASTM) Designation: D-5 with the use of a 50-gram load for 1 second at 77° F., or when tested by a procedure which provides equivalent results, and (ii) such product is not in an essentially gaseous state at a temperature of 60° F. and at a pressure of 14.65 pounds per square inch (absolute), regardless of the condition of the product at the time of importation; and (b) in determining the relative weights of components of the mixtures provided for in items 475.65 and 475.70, naphtha and other petroleum derivatives which may be present in such mixtures as solvents shall be disregarded.		
		Crude petroleum (including reconstituted crude petroleum) topped crude petroleum; crude shale oil; and distillate and residual fuel oils (including bended fuel oils) derived from petroleum, shale, or both, with or without additives:		
	475.05	Testing under 25 degrees A.P.I.	0.125¢ per gal	0.5¢ per gal.
	475.10	Testing 25 degrees A.P.I. or more	0.25¢ per gal	0.5¢ per gal.
	475.15	Natural gas, methane, ethane, propane, butane, and mixtures thereof.	Free	Free.
	475.25	Motor fuel	1.25¢ per gal	2.5¢ per gal.
	475.30	Kerosene derived from petroleum, shale oil, or both (except motor fuel).	0.25¢ per gal	0.5¢ per gal.
	475.35	Naphthas derived from petroleum, shale oil, natural gas, or combinations thereof (except motor fuel).	0.25¢ per gal	0.5¢ per gal.
	475.40	Mineral oil or medicinal grade derived from petroleum, shale oil, or both.	0.2¢ per gal	0.5¢ per gal.
		Lubricating oils and greases, derived from petroleum, shale oil, or both, with or without additives:		
●	475.45	Oils	2¢ per gal	4¢ per gal.
		Greases:		
A	475.55	Containing not over 10 percent by weight of salts of fatty acids or animal (including marine animal) or vegetable origin.	10% ad val	20% ad val.
A	475.60	Other	1¢ per lb. +10% ad val	2¢ per lb. +20% ad val.
		Mixtures of hydrocarbons not specially provided for, derived wholly from petroleum, shale oil, natural gas, or combinations thereof, which contain by weight not over 50 percent of any single hydrocarbon compound:		
	475.65	In liquid form	0.25¢ per gal	0.5¢ per gal.
	475.70	In other than liquid form	Free	Free.

See footnotes at end of table.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in the rates of duty for item 475.40 effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rate of duty for item 475.40 in this Part reflects the rate effective on and after Jan. 1, 1972.

PART 11—FERTILIZERS AND FERTILIZER MATERIALS

[28 F.R. 8829]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 11 headnote: 1. The articles described in this part are classifiable hereunder whether or not obtained, derived, or manufactured in whole or in part from any product described in part 1 of this schedule.		
	480.05	Limestone, crude, broken, or crushed, when imported to be used in the manufacture of fertilizer.	Free	Free.
	480.10	Manures, including guano	Free	Free.
	480.15	Calcium cyanamide or lime nitrogen	Free	Free.
	480.20	Calcium nitrate	Free	Free.
	480.25	Sodium nitrate	Free	Free.
	480.30	Urea	Free	Free.
	480.35	Basic slag	Free	Free.
	480.40	Bone ash, bone dust, and bone meal	Free	Free.

PART 11—FERTILIZERS AND FERTILIZER MATERIALS—Continued

[28 F.R. 8829]

GSP	Item	Articles	Rates of Duty	
			1	2
	480.45	Phosphates, crude, and apatite	Free	Free.
	480.50	Potassium chloride or muriate of potash	Free	Free.
	480.55	Potassium sulfate	Free	Free.
	480.60	Potassium nitrate or saltpeter, crude	Free	Free.
		Those grades of all substances (other than are described in the foregoing items of this part) used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers:		
	480.65	Nitrogenous fertilizers and fertilizer materials	Free	Free.
	480.70	Phosphatic fertilizers and fertilizer materials	Free	Free.
	480.75	Potassic fertilizers and fertilizer materials	Free	Free.
	480.80	Other	Free	Free.

PART 12—EXPLOSIVES

[28 F.R. 8831]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 12 headnote: 1. This part covers all explosives except those which are provided for in part 1C (items 405.04 and 405.06) of this schedule.		
A	485.10	Dynamite and other high explosives, put up in cartridges, sticks, or other forms, suitable for blasting.	0.37¢ per lb	1.25¢ per lb.
A	485.20	Azides, fulminates, and other explosives chiefly used as detonators for high explosives and in percussion caps and primers to ignite low explosives.	4¢ per lb	12.5¢ per lb.
A	485.30	Smokeless powders	15% ad val	60% ad val.
	485.40	Gunpowder	Free	Free.
	485.50	Explosive substances not specially provided for	Free	Free.

AMENDMENTS

Headnote 1 amended by Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 485.10, 485.20 and 485.30, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 13—FATTY SUBSTANCES, CAMPHOR, CHARS AND CARBONS, ISOTOPES, WAXES, AND OTHER PRODUCTS

[28 F.R. 8833]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 13 headnote: 1. Any product described in this part and also in part 1 of this schedule is classifiable under the said part 1, except any product provided for in item 493.10, 493.75, 494.50, 494.52, or 494.60, and except any product provided for in subpart C of this part.		
		Subpart A—Fatty Substances		
A	490.05	Fats, oils, and greases, all the foregoing, of animal (including marine animal) or vegetable origin, which have been halogenated, nitrated, or vulcanized.	16% ad val	20% ad val.
		Fatty substances, not sulfonated or sulfated, and not specially provided for:		
		Fatty acids:		
		Of animal (including marine animal) origin:		
A	490.10	Oleic acid	1.5¢ per lb. +5% ad val	3¢ per lb. +20% ad val.
	490.12	Stearic acid	1.5¢ per lb. +6% ad val	3¢ per lb. +25% ad val.
	490.14	Other	0.7¢ per lb. +5% ad val	3¢ per lb. +20% ad val.
		Of vegetable origin:		
	490.20	Derived from linseed oil	2.2¢ per lb. +5% ad val	4.5¢ per lb. +20% ad val.
	490.22	Derived from hempseed, kapok, perilla, rapeseed, sesame, or sunflower oil.	1.1¢ per lb. +5% ad val	4.5¢ per lb. +20% ad val.
A	490.24	Derived from coconut, palm-kernel, or palm oil	5% ad val.[a]	20% ad val.[a]
	490.26	Other	5% ad val	20% ad val.

See footnotes at end of table.

PART 13—FATTY SUBSTANCES, CAMPHOR, CHARS AND CARBONS, ISOTOPES, WAXES, AND OTHER PRODUCTS—Continued

[28 F.R. 8833]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Fatty Substances—Continued		
		Fatty substances, not sulfonated or sulfated, and not specially provided for—Continued		
		Salts:		
		Of animal (including marine animal) origin:		
A	490.30	Lithium stearate	0.7¢ per lb. +5% ad val	3¢ per lb. +25% ad val.
A	490.32	Other	0.7¢ per lb. +5% ad val	3¢ per lb. +25% ad val.
		Of vegetable origin:		
		Derived from linseed oil:		
A	490.40	Cobalt linoleate	3.6¢ per lb	14.5¢ per lb.
A	490.42	Lead linoleate	1¢ per lb. +7.5% ad val	4.5¢ per lb. +30% ad val.
A*	490.44	Other	1.1¢ per lb. +5% ad val	4.5¢ per lb. +25% ad val.
A	490.46	Derived from hempseed, kapok, perilla, rapeseed, sesame, or sunflower oil.	1¢ per lb. +5% ad val	4.5¢ per lb. +25% ad val.
A	490.48	Derived from coconut, palm-kernel, or palm oil	5% ad val.[7]	25% ad val.[7]
A	490.50	Other	5% ad val	25% ad val.
		Fatty alcohols of animal (including marine animal) or vegetable origin:		
	490.65	Oleyl	1.2¢ per lb. +6% ad val	6¢ per lb. +30% ad val.
		Other:		
	490.73	Derived from coconut, palm-kernel, or palm oil	5% ad val.[7]	25% ad val.[7]
	490.75	Other	5% ad val	25% ad val.
		Esters:		
A	490.90	Of animal (including marine animal) origin	0.3¢ per lb. +5% ad val	1.5¢ per lb. +25% ad val.
		Of vegetable origin:		
A	490.92	Derived from coconut, palm-kernel, or palm oil	5% ad val.[8]	1.5¢ per lb. +25% ad val.[8]
A	490.94	Other	5% ad val	25% ad val.
	491.00	Artificial mixtures of two or more of the fatty substances provided for in this subpart or in part 8A of this schedule, not specially provided for.	5% ad val., but not less than the highest rate applicable to any component.	25% ad val., but not less than the highest rate applicable to any component.
		Subpart B—Camphor, Chars, and Carbons, Isotopes, Waxes, and Other Products		
		Subpart B headnotes:		
		1. For the purposes of this part—		
		(a) the term "crude", in items 493.02, 493.20, and 493.55, has the same meaning as is given for that term in headnote 3(c) of part 3 of this schedule; and		
		(b) the term "advanced" in items 493.04, 493.21, and 493.56, has the same meaning as is given for that term in headnote 3(d) in part 3 of this schedule.		
		Barbasco or cube root, and derris, tube or tuba root:		
	493.02	Crude	Free	Free.
	493.04	Advanced	Free	10% ad val.
A	493.10	Blackings, powders, liquids, and creams for polishing and cleaning, all the foregoing in immediate containers holding not over 10 pounds each.	3% ad val	25% ad val.
		Casein and mixtures in chief value thereof:		
	493.15	Casein	Free	Free.
A	493.16	Other	1.3¢ per lb	5.5¢ per lb.
A	493.18	Cellulose compounds, not specially provided for	8¢ per lb	45¢ per lb.
		Camphor:		
		Natural:		
A	493.20	Crude	0.4¢ per lb	1¢ per lb.
A*	493.21	Advanced	2.4¢ per lb	5¢ per lb.
A	493.22	Synthetic	2.5¢ per lb	5¢ per lb.
		Chars and carbons:		
A	493.25	Bone char	10% ad val	20% ad val.
A	493.26	Decolorizing and gas or vapor absorbing chars and carbons, whether or not activated.	7.5% ad val	45% ad val.
A	493.30	Dextrine and soluble or chemically treated starches	1.125¢ per lb	3¢ per lb.
	493.35	Fibrin	Free	Free.
	493.40	Mineral salts obtained by evaporation from the waters of a designated mineral spring.	Free	Free.
	493.42	Preparations containing over 50 percent by weight of monosodium glutamate.	16% ad val	25% ad val.
		Pitch:		
	493.45	Burgundy	Free	Free.
A	493.46	Marine glue	8% ad val	20% ad val.
A	493.47	Wood	0.4¢ per lb	1¢ per lb.
A	493.50	Products chiefly used as assistants in preparing or finishing textiles, not specially provided for.	6% ad val	25% ad val.
		Pyrethrum or insect flowers:		
	493.55	Crude	Free	Free.
	493.56	Advanced	Free	10% ad val.
		Polysaccharides, rare saccharides, and their polyhydric alcohols:		
	493.65	Lactose	10% ad val	50% ad val.
	493.66	Levulose	20% ad val	50% ad val.
A	493.67	Salicin	8.5% ad val	50% ad val.
A	493.68	Other	10% ad val	50% ad val.
	493.75	Sheep dip	Free	Free.

See footnotes at end of table.

PART 13—FATTY SUBSTANCES, CAMPHOR, CHARS AND CARBONS, ISOTOPES, WAXES, AND OTHER PRODUCTS—Continued

[28 F.R. 8833]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Camphor, Chars, and Carbons, Isotopes, Waxes, and Other Products—Continued		
A*	493.82	Tall oil	5% ad val	20% ad val.
		Waxes, animal (including marine animal), vegetable, and mineral, and artificial mixtures thereof:		
		Animal waxes:		
		Beeswax:		
	494.02	Not bleached	Free	Free.
A	494.04	Bleached	7.5% ad val	30% ad val.
	494.06	Spermaceti wax	1.2¢ per lb	3.5¢ per lb.
	494.08	Other	Free	Free.
		Vegetable waxes:		
	494.10	Candelilla	Free	Free.
	494.12	Carnauba	Free	Free.
	494.14	Japan	Free	Free.
	494.16	Ouricury	Free	Free.
	494.18	Other	Free.	Free.
		Mineral waxes:		
	494.20	Montan	Free	Free.
	494.22	Paraffin and other petroleum waxes	Free	1¢ per lb.
	494.24	Other	Free	Free.
	494.30	Artificial mixtures of two or more of the foregoing waxes.	The highest rate applicable to any component wax.	The highest rate applicable to any component wax.
A*	494.40	Wood tar oil and wood tar	0.5¢ per lb	1¢ per lb.
	494.50	Chemical elements, isotopes, and compounds, all the foregoing (except natural thorium and uranium in a metallic state, and except compounds of natural thorium and uranium), whether or not described elsewhere in this schedule, which are usefully radioactive.	Free	Free.
A	494.52	Nonradioactive isotopes and their compounds, whether or not described elsewhere in this schedule.	5% ad val	25% ad val.
A	494.60	Cements, not specially provided for	2.5% ad val	20% ad val.
		Subpart C—Miscellaneous Medical Supplies		
A	495.05	Wadding, gauze, bandages, dressing, plasters, and similar articles coated or impregnated with medicinals.	6% ad val	20% ad val.
A	495.10	Surgical sutures, surgical suture materials, and absorbable surgical hemostats, all the foregoing which are sterile.	8.5% ad val	40% ad val.
A	495.15	Dental cements	4% ad val	20% ad val.
A	495.20	First-aid kits put up and packaged for retail sale	10% ad val	45% ad val.

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[*] For explanation of the symbol "A" or "A*" in the column marked "GSP", see general headnote 3(c).

[*] For explanation of the asterisk "*" in the Rates of Duty Columns, see general headnote 3(g).

(s)=Suspended. See general headnote 3(b).

[1] The duties on aluminum oxide (alumina) imported for use in producing aluminum are suspended until July 15, 1964. See Appendix to Tariff Schedules.

[2] Subtract 1.5¢ per pound from the specific part of the rate for products derived from coconut, palm-kernel, or palm oil entered on or before June 30, 1966. See Appendix to Tariff Schedules.

[3] The specific part of the rate (3¢ or 1.5¢ per lb.) does not apply to coconut, palm-kernel, or palm oil or products derived therefrom entered on or before June 30, 1966. See Appendix to Tariff Schedules.

[4] These products are free of duty if entered on or before Sept. 30, 1966. See Appendix to Tariff Schedules.

[5] Crude petroleum and certain products thereof are subject to import quotas proclaimed pursuant to section 2 of Public Law 464, 83d Congress, as mended (19 USC 1352a). Proc. 3279, as amended by Procs. 3290, 3328, 3386, 3389, 3509, 3531, and 3541.

[6] The specific part of the rate (3¢ per lb.) does not apply to fatty acids derived from coconut, palm-kernel, or palm oil entered on or before June 30, 1966. See Appendix to Tariff Schedules.

[7] The specific part of the rate (3¢ per lb) does not apply to salts and alcohols derived from coconut, palm-kernel, or palm oil entered on or before June 30, 1966. See Appendix to Tariff Schedules.

[8] The specific part of the rate (1.5¢ per lb.) does not apply to esters derived from coconut, palm-kernel, or palm oil entered on or before June 30, 1966. See Appendix to Tariff Schedules.

AMENDMENTS

Subpart A, headnote 1, struck out by Pub. L. 89-388, §§ 1(f)(3), (2), Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Items 490.24, 490.48 and 490.73 amended by Pub. L. 89-388, §§ 1(e)(2), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after April 13, 1966.

Item 490.92 amended by Pub. L. 89-388, §§ 1(e)(3), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after April 13, 1966.

Item 493.18 added by Pub. L. 89-241, §§ 2(a), 24(d), Oct. 7, 1965, 79 Stat. 933, 938, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 490.10, 490.12, 490.14, 490.20, 490.22, 490.24, 490.26, 490.30, 490.32, 490.40, 490.42, 490.44, 490.46, 490.48, 490.50, 490.65, 490.73, 490.75, 490.90, 490.92, 490.94, 491.00, 493.04, 493.10, 493.16, 493.18, 493.20, 493.21, 493.22, 493.25, 493.26, 493.46, 493.47, 493.50, 493.56, 493.65, 493.66, 493.67, 493.68, 493.82, 494.04, 494.06, 494.22, 494.52, 494.60, 495.05, 495.10, 495.15 and 495.20, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

SCHEDULE 5—NONMETALLIC MINERALS AND PRODUCTS [28 F.R. 8837]

Part 1—Nonmetallic Minerals and Products, Except Ceramic Products and Glass and Glass Products.
- **A. Hydraulic Cement; Concrete; Concrete Products.**
- **B. Lime, Gypsum, and Plaster Products.**
- **C. Stone and Stone Products.**
- **D. Mica and Mica Products.**
- **E. Graphite and Related Products.**
- **F. Asbestos and Asbestos Products.**
- **G. Abrasives and Abrasive Articles.**
- **H. Gems, Gemstones, and Articles Thereof; Industrial Diamonds.**
- **J. Miscellaneous Nonmetallic Minerals and Products.**
- **K. Nonmetallic Minerals and Products Not Specially Provided for.**

Part 2—Ceramic Products.
- **A. Refractory and Heat-Insulating Articles.**
- **B. Ceramic Construction Articles.**
- **C. Table, Kitchen, Household, Art and Ornamental Pottery.**
- **D. Industrial Ceramics.**
- **E. Ceramic Articles Not Specially Provided For.**

Part 3—Glass and Glass Products.
- **A. Glass in the Mass; Glass in Balls, Tubes, Rods, and Certain Other Forms; Foam Glass; Optical Glass; and Glass Fibers and Products Thereof.**
- **B. Flat Glass and Products Thereof.**
- **C. Glassware and Other Glass Products.**
- **D. Glass Articles Not Specially Provided For.**

PART 1—NONMETALLIC MINERALS AND PRODUCTS, EXCEPT CERAMIC PRODUCTS AND GLASS AND GLASS PRODUCTS

[28 F.R. 8839]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Subpart A—Hydraulic Cement; Concrete; Concrete Products		
		Subpart A headnotes:		
		1. For the purposes of this subpart— (a) the term "cement" means cementing materials without added sand, gravel, or other aggregate; and (b) the term "concrete" means a composite of cementing materials of mineral origin with added mineral aggregate such as sand, crushed stone, or gravel; and (c) the term "tiles" does not include any article 1.25 inches or more in thickness.		
		Hydraulic cement and cement clinker:		
A	511.11	White, nonstaining Portland cement	1¢ per 100 lbs., including weight of container.	8¢ per 100 lbs., including weight of container.
	511.14	Other	Free	6¢ per 100 lbs., including weight of container.
		Concrete mixes, whether wet or dry:		
	511.21	Hydraulic cement concrete	Free	20% ad val.
A	511.25	Other	7.5% ad val	30% ad val.
		Articles, including terrazzo, of concrete, with or without reinforcement:		
		Tiles:		
A*	511.31	Floor and wall tiles	21% ad val	55% ad val.
A	511.41	Other tiles, including roofing tiles	6% ad val	55% ad val.
		Other, not specially provided for:		
A*	511.51	Articles of tiles described in item 511.31	6% ad val	50% ad val.
		Other:		
A	511.61	Not decorated	7.5% ad val	30% ad val.
A	511.71	Decorated	13.5% ad val	40% ad val.
		Subpart B—Lime, Gypsum, and Plaster Products		
		Subpart B headnote:		
		1. This subpart does not cover gypsum or plaster building boards and lath (see part 3 of schedule 2).		
		Lime:		
	512.11	Hydrated	Free	12¢ per 100 lbs., including weight of container.
	512.14	Other	Free	10¢ per 100 lbs., including weight of container.
		Plaster rock or gypsum:		
	512.21	Not ground and not wholly or partly calcined	Free	Free.
A	512.24	Ground, wholly or partly calcined, or both	59¢ per ton	$1.40 per ton.
		Cement of gypsum:		
A	512.31	Valued not over $40 per ton	$5 per ton	$10 per ton.
A	512.35	Valued over $40 per ton	$7 per ton	$14 per ton.
		Articles not specially provided for, of plaster of paris, with or without reinforcements:		
A	512.41	Statues, statuettes, and bas-reliefs	5% ad val	60% ad val.
A*	512.44	Other	6% ad val	35% ad val.

See footnotes at end of table.

PART 1—NONMETALLIC MINERALS AND PRODUCTS, EXCEPT CERAMIC PRODUCTS AND GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8839]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Stone and Stone Products		
		Subpart C headnotes:		
		1. This subpart covers stone and articles of stone, but does not include—		
		(i) limestone to be used in the manufacture of fertilizer (see part 11 of schedule 4);		
		(ii) articles of concrete in which stone chips or particles are used as aggregate (see subpart A or this part);		
		(iii) certain abrasives and abrasive stones (see subpart G of this part);		
		(iv) precious and semiprecious stones (see subpart H of this part);		
		(v) talc, soapstone, or cornwall stone (see subpart J of this part); and		
		(vi) certain articles provided for in schedule 7.		
		2. The term "slabs" (items 514.61 and 514.65) embraces flat stone pieces, not over 2 inches in thickness, having a facial area of 4 square inches or more, whether or not cut to size and whether or not one or both surfaces have been rubbed or polished, the edges of which have not been beveled, rounded or otherwise processed except such processing as may be needed to facilitate installation as tiling or veneering in building construction.		
		Sand, crude or manufactured, and gravel:		
	513.11	Sand containing by weight 95 percent or more of silica and not more than 0.6 percent of oxide of iron.	25¢ per ton	$2 per ton.
	513.14	Other	Free	Free.
		Stone chips and spalls, and stone, crushed (otherwise than merely to facilitate shipment to the United States) or ground:		
A	513.21	Marble, breccia, and onyx chips	5% ad val	30% ad val.
	513.31	Slate	5% ad val	25% ad val.
		Limestone:		
	513.35	Imported to be used in the manufacture of cement	Free	$1 per short ton.
A	513.36	Other	10¢ per short ton	$1 per short ton.
A	513.41	Other	2.5% ad val	30% ad val.
A	513.51	Stone statuary and sculptures not specially provided for, the professional productions of sculptors only.	4% ad val	20% ad val.
		Granite and articles of granite:		
	513.61	Granite, not manufactured, and not suitable for use, as monumental, paving, or building stone.	Free	Free.
		Granite, suitable for use as monumental, paving, or building stone:		
	513.71	Not pitched, not lined, not pointed, not hewn, not sawed, not dressed, not polished, and not otherwise manufactured.	Free	25¢ per cu. ft.
A	513.74	Pitched, lined, pointed, hewn sawed, dressed, polished, or otherwise manufactured.	6% ad val	60% ad val.
		Other, not specially provided for:		
A	513.81	Not decorated	7.5% ad val	30% ad val.
A*	513.84	Decorated	13.5% ad val	40% ad val.
		Jet; and articles of alabaster, of jet, or of alabaster and jet:		
	513.91	Jet, not manufactured	Free	Free.
A	513.94	Other, not specially provided for	8.5% ad val	50% ad val.
		Limestone and articles of limestone:		
A*	514.11	Limestone, crude, not suitable for use as monumental, paving, or building stone.	10¢ per short ton	$1 per short ton.
		Limestone suitable for use as monumental, paving, or building stone:		
A	514.21	Not hewn, not sawed, not dressed, not polished, and not otherwise manufactured.	1¢ per cu. ft	15¢ per cu. ft.
A	514.24	Hewn, sawed, polished, dressed, or otherwise manufactured.	10.5% ad val	50% ad val.
		Other, not specially provided for:		
A	514.34	Articles of chalk	5% ad val	25% ad val.
		Other:		
A	514.41	Not decorated	7.5% ad val	30% ad val.
A	514.44	Decorated	13.5% ad val	40% ad val.
		Marble, breccia, and onyx, and articles of one or more of these substances:		
A	514.51	Marble, breccia, in block, rough or squared only	13.5¢ per cu. ft	65¢ per cu. ft.
A*	514.54	Onyx, in block, rough or squared only	16¢ per cu. ft	65¢ per cu. ft.
A	514.57	Marble, breccia, or onyx, sawed or dressed, over 2 inches thick.	25¢ per cu. ft	$1 per cu. ft.
		Slabs:		
A	514.61	Not rubbed and not polished in whole or in part	2.5% ad val	13% ad val.
A	514.65	Rubbed or polished in whole or in part	3.5% ad val	15% ad val.
A	514.81	Other, not specially provided for	10.5% ad val	50% ad val.
	514.91	Quartzite, whether or not manufactured	Free	Free.

See footnotes at end of table.

PART 1—NONMETALLIC MINERALS AND PRODUCTS, EXCEPT CERAMIC PRODUCTS AND GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8839]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Subpart C—Stone and Stone Products—Continued		
		Slate, and articles of slate:		
A	515.11	Roofing slate	12.5% ad val	25% ad val.
A	515.14	Other, not specially provided for	5% ad val	25% ad val.
		Travertine and articles of travertine:		
	515.21	Travertine, not hewn, not sawed, not dressed, not polished, and not otherwise manufactured.	5¢ per cu. ft	25¢ per cu. ft.
A	515.24	Travertine, hewn, sawed, dressed, polished, or otherwise manufactured, and suitable for use as monumental, paving, or building stone.	10.5% ad val	50% ad val.
		Other, not specially provided for:		
A	515.31	Not decorated	7.5% ad val	30% ad val.
A	515.34	Decorated	13.5% ad val	40% ad val.
		Stone, and articles not specially provided for, of stone:		
	515.41	Stone, not manufactured, and not suitable for use as monumental, paving, or building stone.	Free	Free.
		Stone suitable for use as monumental, paving or building stone:		
A	515.51	Not hewn, not sawed, not dressed, not polished, and not otherwise manufactured.	1¢ per cu. ft	15¢ per cu. ft.
A	515.54	Hewn, sawed, dressed, polished, or otherwise manufactured.	10.5% ad val	50% ad val.
		Other:		
A	515.61	Not decorated	7.5% ad val	30% ad val.
A	515.64	Decorated	13.5% ad val	40% ad val.
		Subpart D—Mica and Mica Products		
		Subpart D headnotes:		
		1. For the purposes of this subpart—		
		(a) the term "mica" includes both natural and manmade mica;		
		(b) the term "split block mica" (item 516.311) means mica, not exceeding 0.020 inch in thickness, that has been split and selected within a tolerance of 8 mills, but which has not been out or stamped to dimensions, shape or form;		
		(c) the term "mica splittings" (item 516.51) means mica laminae in book-form or book-pack, or in loose pack, suitable for use in the manufacture of built-up mica (item 516.91); and		
		(d) the term "built-up mica" (item 516.91) means electrical insulating plates, sheets and tapes, whether or not attached to paper, cloth, or other backing, consisting of reconstituted mica whether or not treated with resins or of layers of mica splittings and bonding material.		
		Mica not manufactured (including mica over 0.006 inch in thickness, not cut or stamped to dimensions, shape or form, and split block mica), and mica scalings, mica cleanings, and other mica waste and scrap:		
A*	516.11	Untrimmed phlogopite from which no rectangular piece over 2 inches long or 1 inch wide may be cut.	2.5% ad val	15% ad val.
		Waste and scrap valued not over 5 cents per pound:		
A	516.21	Phlogopite	6% ad val	25% ad val.
A*	516.24	Other	6% ad val	25% ad val.
	516.31	Split block mica	Free	Free.
	516.41	Other	Free	4¢ per lb.
	516.51	Mica splittings	Free	Free.
	516.61	Mica, not over 0.006 inch in thickness, not cut or stamped to dimensions, shape or form.	Free	Free.
		Mica, cut or stamped to dimensions, shape, or form, whether or not perforated or indented, and whether or not dedicated to a specific use:		
A*	516.71	Not over 0.006 inch in thickness	11% ad val	45% ad val.
		Over 0.006 inch in thickness:		
		Not perforated or indented:		
A*	516.73	Fuse disks, split to thickness	12.5% ad val	40% ad val.
A*	516.74	Other	20% ad val	40% ad val.
A*	516.76	Perforated or indented	12.5% ad val	40% ad val.
	516.81	Mica, ground or pulverized	6% ad val	20% ad val.
A	516.91	Built-up mica	8.5% ad val	40% ad val.
A*	516.94	Articles not specially provided for, of mica	12.5% ad val	40% ad val.
	516.98	Any article described in the foregoing items 516.71 to 516.76, inclusive, or 516.94, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	40% ad val.

See footnotes at end of table.

PART 1—NONMETALLIC MINERALS AND PRODUCTS, EXCEPT CERAMIC PRODUCTS AND GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8839]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Subpart E—Graphite and Related Products		
		Graphite, crude and refined:		
A	517.11	Artificial	2.5% ad val	10% ad val.
		Natural:		
		Crystalline flake (not including flake dust):		
A	517.21	Valued not over 5.5 cents per pound	7.5% ad val	1.65¢ per lb.
A*	517.24	Valued over 5.5 cents per pound	0.4¢ per lb	1.65¢ per lb.
A	517.27	Crystalline lump or chip	2.5% ad val	30% ad val.
	517.31	Other	Free	10% ad val.[1]
A	517.51	Calcined petroleum and coal coke, not commercially suitable for use as a fuel.	7.5% ad val	45% ad val.
		Carbons and electrodes:		
A	517.61	Electrodes, in part of carbon or graphite, for electric furnace or electrolytic purposes.	6% ad val	45% ad val.
		Carbons and electrodes, for producing electric arc light:		
A	517.71	Under 0.5 inch in diameter or of equivalent cross-sectional area.	7% ad val	45% ad val.
A	517.74	0.5 inch or more in diameter or of equivalent cross-sectional area.	6% ad val	45% ad val.
A	517.81	Brushes for electric generators, motors, or other electrical machines or appliances; plates, rods, powder, and other forms, wholly or partly manufactured, for manufacturing into the aforesaid brushes.	5% ad val	45% ad val.
	517.82	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	517.91	Articles not specially provided for, of carbon or graphite	7.5% ad val	45% ad val.
		Subpart F—Asbestos and Asbestos Products		
		Subpart F headnote: 1. This subpart does not include footwear, headwear, gloves, laminated or reinforced plastics, and certain other articles provided for in schedule 7.		
	518.11	Asbestos, not manufactured, asbestos crudes, fibers, and stucco, and asbestos sand and refuse containing not more than 15 percent by weight of foreign matter.	Free	Free.
A	518.21	Yarn, slivers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinnable fiber, with or without wire, and articles of any of the foregoing.	4% ad val	40% ad val.
		Articles in part of asbestos and hydraulic cement:		
A*	518.41	Pipes and tubes and fittings therefor	0.15¢ per lb	0.75¢ per lb.
A	518.44	Other	0.1¢ per lb	1¢ per lb.
A	518.51	Articles not specially provided for, of asbestos	4.5% ad val	25% ad val.
		Subpart G—Abrasives and Abrasive Articles		
		Subpart G headnotes: 1. This subpart covers certain crude minerals commonly used for making abrasives and abrasive articles (items 519.01 through 519.17, inclusive) but these minerals are classifiable in this subpart even if they are not of abrasive quality. This subpart also covers certain minerals and artificial abrasives in forms suitable for use as abrasives or for abrasive purposes (items 519.31 through 519.37, inclusive). The remaining provisions of this subpart apply to papers, cloths, stones, and other articles which are cut or fashioned from natural stone or made from natural or artificial abrasive materials usually with the use of glues, resins, rubber or other binding materials, and which are designed and used for grinding, sharpening, smoothing, polishing, trueing, cutting, or similar purposes. The provisions of this subpart do not cover— (i) sand (see subpart C of this part), unless made up into abrasive articles; (ii) natural or synthetic diamond dust or powder (see subpart H of this part); (iii) crushed or powdered glass (see part 3 of this schedule), unless made up into abrasive articles; (iv) cosmetics and other toilet preparations (see part 7B of schedule 4); (v) soap and synthetic detergents (see part 8B of schedule 4); (vi) wheels or other abrasive articles mounted in frameworks or machines (see schedule 6); (vii) dental burrs (see part 2 of schedule 7); or (viii) tools to which abrasives have been applied but which have other functioning or working elements such as cutting teeth, edges, grooves, and flutes (see schedule 6).		

See footnotes at end of table.

PART 1—NONMETALLIC MINERALS AND PRODUCTS, EXCEPT CERAMIC PRODUCTS AND GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8839]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart G—Abrasives and Abrasive Articles—Continued		
		Subpart G—headnotes—Continued		
		2. For the purposes of this subpart— (a) the term "pumice" includes both pumice and pumicite; and (b) the term "wheels" embraces rotary cutters, disks and other circular bodies designed to rotate on a central axis.		
		3. In determining the component material of chief value in the articles covered by item 519.83, 519.91, 519.93, or 519.95, only the abrasive components thereof shall be compared.		
	519.01	Burrstones in blocks, rough	Free	Free.
	519.05	Pumice stone to be used in the manufacture of concrete masonry products such as building blocks, bricks, tiles, and similar forms.	Free	Free.
		Emery, natural corundum, pumice, flint, rottenstone, and tripoli, all the foregoing, crude, or crushed merely to facilitate transportation to the United States:		
		Pumice:		
A	519.11	Valued not over $15 per ton	0.02¢ per lb	0.1¢ per lb.
A	519.14	Valued over $15 per ton	0.04¢ per lb	0.25¢ per lb.
	519.17	Other	Free	Free.
	519.21	Crude silicon carbide and crude artificial abrasives	Free	Free.
		Emery, natural corundum, pumice, flint, rottenstone, tripoli, garnet, silicon carbide, and artificial abrasives, all the foregoing, in grains, or ground, pulverized, or refined:		
A	519.31	Pumice	0.17¢ per lb	0.75¢ per lb.
	519.34	Rottenstone and tripoli	Free	Free.
A	519.37	Other	0.4¢ per lb	1¢ per lb.
A	519.51	Papers, cloths, and other materials, wholly or partly coated with abrasives, artificial or natural, or both, whether in the form of sheets, strips, disks, belts, sleeves, or similar forms.	3% ad val	20% ad val.
	519.61	Hones, whetstones, oilstones, and polishing stones, all the foregoing (except emery files or stones), with or without handles, designed to be used directly in the hand.	Free	Free.
		Millstones, abrasive wheels, and abrasive articles not specially provided for:		
	519.71	Burrstones, manufactured or bound up into millstones	Free	Free.
		Abrasive wheels:		
	519.81	Solid natural stone wheels	Free	Free.
A	519.83	Of diamond	7.5% ad val	30% ad val.
		Other:		
A	519.84	Bonded with synthetic resins	10¢ per lb.+8.5% ad val	50¢ per lb.+40% ad val.
A	519.86	Other	5% ad val	20% ad val.
		Other:		
A	519.91	Of emery or garnet	5% ad val	20% ad val.
A	519.93	Of pumice	7% ad val	35% ad val.
A	519.95	Of natural corundum or of artificial abrasive materials.	2.5% ad val	20% ad val.
A	519.97	Other	7.5% ad val	30% ad val.
		Subpart H—Gems, Gemstones, and Articles Thereof; Industrial Diamonds		
		Subpart H headnotes:		
		1. The provisions of this subpart do not cover— (i) abrasives other than diamond dust or powder, and abrasive articles (see subpart G of this part); (ii) drills and other tools provided for in part 3E of schedule 6; (iii) recording or transcribing styluses, needles, and points (see part 5 of schedule 6); (iv) optical elements (see part 2A of schedule 7); (v) jewel bearings (see part 2E of schedule 7); or (vi) jewelry and other articles provided for in part 6 of schedule 7.		
		2. For the purposes of the tariff schedules, the term "precious stones" means natural diamonds, emeralds, rubies, and sapphires.		
	520.11	Precious and semiprecious stones, natural (except industrial diamonds), whether in their natural form or broken but not advanced in condition or value from their natural state, and not set.	Free	Free.

PART 1—NONMETALLIC MINERALS AND PRODUCTS, EXCEPT CERAMIC PRODUCTS AND GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8839]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart H—Gems, Gemstones, and Articles Thereof; Industrial Diamonds—Continued		
		Industrial diamonds, natural or synthetic, whether or not advanced in condition or value from their crude state by cleaving, cutting, lapping, sawing, or other process, but not set and not suitable for use in the manufacture of jewelry:		
		Synthetic:		
	520.19	Miners' diamonds	Free	Free.
	520.20	Powder or dust	Free	Free.
	520.21	Other	7.5% ad val	30% ad val.
		Natural:		
	520.23	Miners' diamonds	Free	Free.
	520.27	Crushing bort	Free	Free.
	520.28	Powder or dust	Free	Free.
		Other:		
	520.29	Not advanced in condition or value	Free	Free.
A	520.31	Advanced in condition or value	7.5% ad val	30% ad val.
		Precious and semiprecious stones, cut but not set, and suitable for use in the manufacture of jewelry:		
		Diamonds:		
	520.32	Weighing not over 0.5 carat	4% ad val	10% ad val.
	520.33	Weighing over 0.5 carat	5% ad val	10% ad val.
A*	520.35	Rubies and sapphires	4% ad val	10% ad val.
A	520.37	Marcasites	5% ad val	20% ad val.
	520.38	Emeralds	Free	10% ad val.
A	520.39	Other	2.5% ad val	10% ad val.
		Other precious and semiprecious stones, and articles not specially provided for, of such stones:		
A*	520.51	Of precious stones	7.5% ad val	30% ad val.
A	520.54	Of rock crystal	10.5% ad val	50% ad val.
A	520.61	Other	21% ad val	50% ad val.
		Synthetic materials of gemstone quality, such as, but not limited to, corundum, spinel, and rutile, and articles not specially provided for, of such materials:		
A	520.71	Synthetic materials, cut but not set, and suitable for use in the manufacture of jewelry.	4% ad val	10% ad val.
	520.75	Other	15% ad val	30% ad val.
		Subpart J—Miscellaneous Nonmetallic Minerals and Products		
	521.11	Asphaltum, bitumen, and limestone-rock asphalt	Free	Free.
	521.17	Bauxite, calcined	Free	$1 per ton.[3]
	521.21	Brazilian pebble, crude	Free	Free.
	521.31	Coal of all classifications, including culm and slack, and including lignite but not including peat; coke commercially suitable for use as fuel; and compositions of coal, coke, or other carbonaceous material, whether in briquet or other form, used for fuel.	Free	Free.
		Clays, whether or not washed, ground, or otherwise beneficiated:		
	521.41	China clay or kaolin	33¢ per ton	$2.50 per ton.
		Fuller's earth:		
	521.51	Not beneficiated	25¢ per ton	$1.50 per ton.
	521.54	Wholly or partly beneficiated	50¢ per ton	$3.25 per ton.
	521.61	Bentonite	40¢ per ton	$3.25 per ton.
		Common blue clay and other ball clays:		
	521.71	Not beneficiated	42¢ per ton*	$1 per ton.
	521.74	Wholly or partly beneficiated	85¢ per ton*	$2 per ton.
		Other clays:		
	521.81	Not beneficiated	Free	$1 per ton.
	521.84	Wholly or partly beneficiated	50¢ per ton	$2 per ton.
A	521.87	Any of the foregoing clays artificially activated with acid or other material.	0.05¢ per lb. +6% ad val	0.25¢ per lb. +30% ad val.
	521.91	Cryolite or kryolith	Free	Free.
	522.11	Diatomite, crude or processed	Free	Free.
		Fluorspar:		
	522.21	Containing over 97% by weight of calcium fluoride	$2.10 per ton	$5.60 per ton.
	522.24	Containing not over 97% by weight of calcium fluoride	$8.40 per ton	$8.40 per ton.
		Natural mineral fluxes:		
		Crude:		
	522.31	Feldspar	Free	50¢ per ton.
	522.33	Nepheline syenite	Free	Free.
	522.35	Cornwall stone	Free	Free.
	522.37	Other	Free	Free.
		Crushed (otherwise than merely to facilitate shipment to the United States), ground, or pulverized:		
A	522.41	Feldspar	3.5% ad val	30% ad val.
	522.43	Nepheline syenite	Free	Free.
	522.45	Other	7.5% ad val	30% ad val.
	522.51	Ice	Free	Free.

See footnotes at end of table.

PART 1—NONMETALLIC MINERALS AND PRODUCTS, EXCEPT CERAMIC PRODUCTS AND GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8839]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart J—Miscellaneous Nonmetallic Minerals and Products—Continued		
		Magnesite:		
	522.61	Crude	$2.62 per ton	$10.50 per ton.
	522.64	Caustic calcined	$5.25 per ton	$21 per ton.
A	522.71	Meerschaum, crude	2% ad val	20% ad val.
A	522.81	Mineral wool, in bulk, or in batts, blankets, or similar forms, whether or not lined, backed, or supported with paper, paperboard, or similar materials.	7.5% ad val	30% ad val.
	523.11	Silica, not specially provided for	Free	Free.
		Talc, steatite, and soapstone, and articles, of one or more of these substances:		
A	523.31	Crude and not ground	0.02¢ per lb	0.25¢ per lb.
A	523.33	Ground, washed, powdered, or pulverized	6% ad val	35% ad val.
A	523.35	Cut or sawed, or in blanks, crayons, cubes, disks, or other forms.	0.2¢ per lb	1¢ per lb.
A	523.37	Other, not specially provided for	12% ad val	35% ad val.
	523.41	Zaffer	Free	Free.
A	523.51	Articles not specially provided for, of carbonate of magnesia.	0.5¢ per lb	2¢ per lb.
A	523.61	Articles not specially provided for, of pumice	7% ad val	35% ad val.
		Subpart K—Nonmetallic Minerals and Products Not Specially Provided for		
		Subpart K headnote: 1. This subpart covers mineral substances and articles of mineral substances, not provided for elsewhere in the schedules, but does not include: (i) chemical elements or chemical compounds in part 2 of schedule 4, or mineral substances provided for in other parts of schedule 4; or (ii) metal-bearing ores and other metal-bearing materials provided for in part 1 of schedule 6.		
		Mineral substances, and articles of mineral substances, not specially provided for:		
	523.81	Mineral substances, crude	Free	Free.
		Other:		
A	523.91	Not decorated	7.5% ad val	30% ad val.
A	523.94	Decorated	13.5% ad val	40% ad val.

AMENDMENTS

Subpart A, headnote 1, par. (b) amended by Pub. L. 89–241, §§ 2(a), 27, Oct. 7, 1965, 79 Stat. 933, 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 516.98 added by Pub. L. 89–283, title IV, §§ 401(a), 405(b), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Items 517.30 and 517.33 substituted in lieu of repealed item 517.31 by Pub. L. 89–433, § 1(a), (c), May 31, 1966, 80 Stat. 169, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1966.

Item 517.82 added by Pub. L. 89.283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 520.19. Article description preceding item 520.19 and items 520.19, 520.20, and 520.21 substituted in lieu of struck item 520.21 by Pub. L. 89–241, § 28(a), (b), Oct. 7, 1965, 79 Stat. 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Oct. 7, 1965.

Item 521.17 amended by Pub. L. 92–151, § 1(a)(2), (c), Nov. 5, 1971, 85 Stat. 417, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1971.

PROCLAMATION OF DUTY RATE FOR BAUXITE, CALCINED; STATUS OF CHANGE; SUPERSEDURE OF STAGED RATE IN ANNEX III TO PROC. NO. 3822

Treatment of duty rate for bauxite, calcined, as a Presidential proclamation rather than Congressional enactment, and supersedure of staged rate for such item in Annex III to Proc. No. 3822, see note set out under Part 2 of Schedule 4 of the Tariff Schedules.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 511.11, 511.14, 511.21, 511.25, 511.41, 511.51, 511.61, 511.71, 512.11, 512.14, 512.24, 512.31, 512.35, 512.41, 512.44, 513.11, 513.21, 513.31, 513.35, 513.36, 513.41, 513.51, 513.71, 513.74, 513.81, 513.84, 513.94, 514.11, 514.21, 514.24, 514.34, 514.41, 514.44, 514.54, 514.57, 514.61, 514.65, 514.81, 515.11, 515.14, 515.21, 515.24, 515.31, 515.34, 515.51, 515.54, 515.61, 515.64, 516.11, 516.21, 516.24, 516.41, 516.71, 516.73, 516.74, 516.76, 516.81, 516.91, 516.94, 517.11, 517.21, 517.24, 517.27, 517.31, 517.51, 517.61, 517.71, 517.74, 517.81, 517.91, 518.21, 518.41, 518.44, 518.51, 519.11, 519.14, 519.31, 519.37, 519.51, 519.83, 519.84, 519.86, 519.91, 519.93, 519.95, 519.97, 520.21, 520.31, 520.32, 520.33, 520.35, 520.37, 520.38, 520.39, 520.51, 520.54, 520.61, 520.71, 520.75, 521.17, 521.41, 521.51, 521.54, 521.61, 521.71, 521.74, 521.81, 521.84, 521.87, 522.31, 522.41, 522.45, 522.61, 522.64, 522.71, 522.81, 523.31, 523.33, 523.35, 523.37, 523.51, 523.61, 523.91 and 523.94, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 2—CERAMIC PRODUCTS

[28 F.R. 8849]

GSP	Item	Articles	Rates of Duty	
			1	2

Part 2 headnotes:

1. This part covers ceramic wares, and articles of such wares and, in addition, certain unshaped refractory material (subpart A) closely related thereto.

2. For the purposes of the tariff schedules—

(a) a "ceramic article" is a shaped article having a glazed or unglazed body of crystalline or substantially crystalline structure, which body is composed essentially of inorganic nonmetallic substances and either is formed from a molten mass which solidifies on cooling, or is formed and subsequently hardened by such heat treatment that the body, if reheated to pyrometric cone 020, would not become more dense, harder, or less porous, but does not include any glass article;

(b) the term "earthenware" embraces ceramic ware, whether or not glazed or decorated, having a fired body which contains clay as an essential ingredient and will absorb more than 3.0 percent of its weight of water;

(c) the term "stoneware" embraces ceramic ware whether or not glazed or decorated, having a fired body which contains clay as an essential ingredient, is not commonly white, will absorb not more than 3.0 percent of its weight of water, and is naturally opaque (except in very thin pieces) even when fully vitrified;

(d) the term "subporcelain" embraces fine-grained ceramic ware (other than stoneware), whether or not glazed or decorated, having a fired body which is white (unless artificially colored) and will absorb more than 0.5 percent but not more than 3.0 percent of its weight of water;

(e) the terms "chinaware" and "porcelain" embrace fine-grained ceramic ware (other than stoneware), whether or not glazed or decorated, having a body which is white (unless artificially colored) and will not absorb more than 0.5 percent of its weight of water;

(f) the term "bone chinaware" embraces chinaware or porcelain the body of which contains by weight 25 percent or more of calcined bone;

(g) the term "nonbone chinaware" embraces chinaware or porcelain other than bone chinaware;

(h) the term "coarse-grained", as applied to ceramic ware, embraces such wares having a body made of materials none of which had been washed, ground, or otherwise beneficiated:

(i) the term "fine-grained", as applied to ceramic wares, embraces such wares having a body made of materials any of which had been washed, ground, or otherwise beneficiated; and

(j) the term "body" includes any engobe or body slip, except engobe or body slip applied to the body as a decoration; and

(k) the water absorption of a ceramic body shall be determined by ASTM test method designated C373-56 (except that test specimens may have a minimum weight of 10 grams, and may have one large surface glazed).

Subpart A—Refractory and Heat-Insulating Articles

Subpart A headnotes:

1. This subpart does not cover ceramic electrical ware (see subpart D of this part).

2. For the purposes of this subpart, "a heat-insulating article", whether shaped or not shaped, is one having a bulk density not over 75 pounds per cubic foot and designed to impede or resist the flow of heat at temperatures above 1600° F.

3. For the purposes of this subpart, "a refractory article", whether shaped or not shaped, is one having a bulk density over 75 pounds per cubic foot and designed to be used to resist temperatures above 2600° F. A shaped refractory article has special properties of strength and resistance ot thermal shock and may also have, depending upon the particular uses for which designed, other special properties such as resistance to abrasion and corrosion.

4. For the purposes of items 531.21 and 531.24, a brick which contains both chrome and magnesite is classifiable according to which of those components is the greater by weight.

PART 2—CERAMIC PRODUCTS—Continued

[28 F.R. 8849]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Refractory and Heat-Insulating Articles—Continued		
		Refractory magnesia, including dead-burned magnesite, fused magnesite, and dead-burned dolomite:		
A	531.01	Not containing lime or containing by weight not over 4 percent lime.	0.19¢ per lb	0.75¢ per lb.
A	531.04	Containing by weight over 4 percent lime	6% ad val	30% ad val.
A	531.11	Refractory and heat-insulating mortars, ramming mixes and castables; super-refractory powders.	7.5% ad val	30% ad val.
		Refractory and heat-insulating bricks of all sizes and shapes:		
A	531.21	Chrome bricks	12.5% ad val	25% ad val.
A	531.24	Magnesite bricks	0.19¢ per lb. +2.5% ad val.	0.75¢ per lb. +10% ad val.
	531.27	Other bricks	Free	25% ad val.
		Shaped refractory and heat-insulating articles not specially provided for, and structures of refractory or heat-insulating articles:		
	531.31	Pins, spurs, stilts, and thimbles, all the foregoing used in the manufacture of ceramic articles.	Free	Free.
A	531.33	Carbon or graphite crucibles	7.5% ad val	45% ad val.
A	531.35	Earthenware and stoneware crucibles	5% ad val	15% ad val.
A	531.37	Porcelain and subporcelain refractory articles	22.5% ad val	60% ad val.
A	531.39	Other	7.5% ad val	30% ad val.
		Subpart B—Ceramic Construction Articles		
		Subpart B headnotes:		
		1. This subpart does not include— (i) refractory and heat-insulating articles (see subpart A of this part); or (ii) laboratory and industrial chemical ware, electrical ware, and sanitary ware and parts thereof (see subpart D of this part).		
		2. For the purposes of this subpart— (a) no article 1.25 inches or more in thickness shall be regarded as a tile; and (b) the term "construction articles" means ceramic ware and articles of such ware such as, but not limited to, bricks, tiles, friezes, mantels, sewer and drain pipes and fittings therefor, flue linings, and hollow building blocks, chiefly used in the construction of buildings and other structures.		
		Ceramic bricks:		
	532.11	Not coated in whole or in part with engobe, glaze, or enamel.	Free	$1.25 per 1,000.
A	532.14	Coated in whole or in part with engobe, glaze, or enamel.	3% ad val	6% ad val.
		Ceramic tiles:		
		Floor and wall tiles:		
	532.21	Mosaic tiles	24.5% ad val	55% ad val.
		Other:		
	532.24	Glazed	22.5% ad val	55% ad val.
	532.27	Other	24% ad val	50% ad val.
A	532.31	Other tiles, including roofing tiles	13.5% ad val	55% ad val.
A	532.41	Friezes, mantels, and other construction articles, all the foregoing, of ceramic tiles.	6% ad val	50% ad val.
A	532.61	Other construction articles	7.5% ad val	30% ad val.
		Subpart C—Table, Kitchen, Household, Art and Ornamental Pottery		
		Subpart C headnotes:		
		1. This subpart covers ceramic articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients; and certain smokers', household, and art and ornamental articles of ceramic ware. This subpart does not cover— (i) smokers' articles provided for in part 9B of schedule 7; (ii) other articles specifically provided for in schedule 7 or elsewhere in the schedules.		
		2. (a) For the purposes of this subpart, the term "available in specified sets" (items 533.23, 533.25, 533.26, 533.28, 533.63, 533.65, 533.66, 533.68, and 533.69) embraces plates, cups, saucers, and other articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients, which are sold or offered for sale in the same pattern, but no article is classifiable as being "available in specified sets" unless it is of a pattern in which at least the articles listed below in (b) or (c) of this headnote are sold or offered for sale.		

PART 2—CERAMIC PRODUCTS—Continued

[28 F.R. 8849]

Subpart C—Table, Kitchen, Household, Art and Ornamental Pottery—Continued

Subpart C headnotes—Continued

(b) If each of the following articles is sold or offered for sale in the same pattern, the classification hereunder in item 533.23, 533.25, 533.26, 533.28, 533.63, 533.65, 533.66, or 533.68, of all articles of such pattern shall be governed by the aggregate value of the following articles in the quantities indicated, as determined by the appraiser under section 402 of the Tariff Act of 1930, as amended, whether or not such articles are imported in the same shipment:

12 plates of the size nearest to 10.5 inches in maximum dimension, sold or offered for sale,
12 plates of the size nearest to 6 inches in maximum dimension, sold or offered for sale,
12 tea cups and their saucers,
12 soups of the size nearest to 7 inches in maximum dimension, sold or offered for sale,
12 fruits of the size nearest to 5 inches in maximum dimension, sold or offered for sale,
1 platter or chop dish of the size nearest to 15 inches in maximum dimension, sold or offered for sale,
1 open vegetable dish or bowl of the size nearest to 10 inches in maximum dimension, sold or offered for sale,
1 sugar of largest capacity, sold or offered for sale,
1 creamer of largest capacity, sold or offered for sale.

If either soups or fruits are not sold or offered for sale, 12 cereals of the size nearest to 6 inches in maximum dimension, sold or offered for sale, shall be substituted therefor.

(c) If each of the articles listed above in (b) of this headnote is not sold or offered for sale in the same pattern, but each of the following articles is sold or offered for sale in the same pattern, the classification hereunder in item 533.69 of all articles of such pattern shall be governed by the aggregate value of the following articles in the quantities indicated, as determined by the appraiser under section 402 of the Tariff Act of 1930, as amended, whether or not such articles are imported in the same shipment:

6 plates of the size nearest to 8 inches in maximum dimension, sold or offered for sale,
6 beverage cups and their saucers,
1 sugar of largest capacity, sold or offered for sale,
1 creamer of largest capacity, sold or offered for sale,
1 beverage pot of the size nearest a 6-cup capacity, sold or offered for sale.

(d) The percentage of water absorption of cast and jiggered ceramic articles of the same pattern, which are "available in specified sets" and which are imported together in a ratio of at least 5 jiggered articles to 1 cast article in the same shipment shall be the average water absorption of such cast and jiggered articles, of the same pattern in the shipment, which average absorption shall be deemed to be equivalent to 5 percent of the water absorption of a representative sample of such cast articles plus 95 percent of the water absorption of a representative sample of such jiggered articles.

3. In those provisions of this part which classify merchandise according to the value of each "article", an article is a single tariff entity which may consist of more than one piece. For example, a vegetable dish and its cover, or a beverage pot and its lid, imported in the same shipment, constitute an article.

GSP	Item	Articles	Rates of Duty 1	Rates of Duty 2
		Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:		
A	533.11	Of coarse-grained earthenware, or of coarse-grained stoneware.	2.5% ad val	15% ad val.
		Of fine-grained earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze which, on teapots, may be any color, but which, on other articles, must be mottled, streaked, or solidly colored brown to black with metallic oxide or salt:		
A	533.14	Valued not over $1.50 per dozen articles	6% ad val	25% ad val.
A	533.16	Valued over $1.50 per dozen articles	6% ad val	25% ad val.

PART 2—CERAMIC PRODUCTS—Continued

[28 F.R. 8849]

GSP	Item	Articles	Rates of Duty	
			1	2
		*		
		Subpart C—Table, Kitchen, Household, Art and Ornamental Pottery—Continued		
		Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients—Continued		
		Of fine-grained earthenware (except articles provided for in items 533.14 and 533.16) or of fine-grained stoneware:		
		Available in specified sets:		
A	533.23	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is not over $3.30.	5¢ per doz. pcs. +14% ad val.	10¢ per doz. pcs. +50% ad val.
A	533.25	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is over $3.30 but not over $7.	10¢ per doz. pcs. +21% ad val.	10¢ per doz. pcs. +50% ad val.
A*	533.26	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is over $7 but not over $12.	10¢ per doz. pcs. +21% ad val.	10¢ per doz. pcs. +50% ad val.
	533.28	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is over $12.	5¢ per doz. pcs. +10.5% ad val.	10¢ per doz. pcs. +50% ad val.
		Not available in specified sets:		
	533.31	Steins, mugs, candy boxes, decanters, punch bowls, pretzel dishes, tidbit dishes, tiered servers, and bonbon dishes.	5¢ per doz. pcs. +12.5% ad val.	10¢ per doz. pcs. +50% ad val.
		Other articles:		
	533.33	Cups valued not over $0.50 per dozen, saucers valued not over $0.30 per dozen, plates not over 9 inches in maximum diameter and valued not over $0.50 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued not over $1 per dozen, and other articles valued not over $1 per dozen.	5¢ per doz. pcs. +12.5% ad val.	10¢ per doz. pcs. +50% ad val.
	533.35	Cups valued over $0.50 but not over $1 per dozen, saucers valued over $0.30 but not over $0.55 per dozen, plates not over 9 inches in maximum diameter and valued over $0.50 but not over $0.90 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued over $1 but not over $1.55 per dozen, and other articles valued over $1 but not over $2 per dozen.	10¢ per doz. pcs. +21% ad val.	10¢ per doz. pcs. +50% ad val.
	533.36	Cups valued over $1 but not over $1.70 per dozen, saucers valued over $0.55 but not over $0.95 per dozen, plates not over 9 inches in maximum diameter and valued over $0.90 but not over $1.55 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued over $1.55 but not over $2.65 per dozen, and other articles valued over $2 but not over $3.40 per dozen.	10¢ per doz. pcs. +21% ad val.	10¢ per doz. pcs. +50% ad val.
	533.38	Cups valued over $1.70 per dozen, saucers valued over $0.95 per dozen, plates not over 9 inches in maximum diameter and valued over $1.55 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued over $2.65 per dozen, and other articles valued over $3.40 per dozen.	5¢ per doz. pcs. +11% ad val.	10¢ per doz. pcs. +50% ad val.
A	533.41	Of bone chinaware	17.5% ad val	10¢ per doz. pcs. +70% ad val.
		Of nonbone chinaware or of subporcelain:		
	533.51	Hotel or restaurant ware and other ware not household ware.	10¢ per doz. pcs. +45% ad val.	10¢ per doz. pcs. +70% ad val.
		Household ware available in specified sets:		
	533.63	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is not over $10.	10¢ per doz. pcs. +48% ad val.	10¢ per doz. pcs. +70% ad val.
	533.65	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is over $10 but not over $24.	10¢ per doz. pcs. +55% ad val.	10¢ per doz. pcs. +70% ad val.
	533.66	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is over $24 but not over $56.	10¢ per doz. pcs. +36% ad val.	10¢ per doz. pcs. +70% ad val.
	533.68	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of this subpart is over $56.	5¢ per doz. pcs. +18% ad val.	10¢ per doz. pcs. +70% ad val.
	533.69	Not covered by item 533.63, 533.65, 533.66 or 533.68, and in any pattern for which the aggregate value of the articles listed in headnote 2(c) of this subpart is over $8.	5¢ per doz. pcs. +18% ad val.	10¢ per doz. pcs. +70% ad val.

See footnotes at end of table.

PART 2—CERAMIC PRODUCTS—Continued
[28 F.R. 8849]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart C—Table, Kitchen, Household, Art and Ornamental Pottery—Continued		
		Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients—Continued		
		Of nonbone chinaware or of subporcelain—Continued		
		Household ware not covered by item 533.63, 533.65, 533.66, 533.68, or 533.69:		
	533.71	Steins, mugs, candy boxes, decanters, punch bowls, pretzel dishes, tidbit dishes, tiered servers, and bonbon dishes.	22.5% ad val	70% ad val.
		Other articles:		
	533.73	Cups valued not over $1.35 per dozen, saucers valued not over $0.90 per dozen, plates not over 9 inches in maximum diameter and valued not over $1.30 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued not over $2.70 per dozen, and other articles valued not over $4.50 per dozen.	5¢ per doz. pcs. +22.5% ad val.	10¢ per doz. pcs. +70% ad val.
	533.75	Cups valued over $1.35 but not over $4 per dozen, saucers valued over $0.90 but not over $1.90 per dozen, plates not over 9 inches in maximum diameter and valued over $1.30 but not over $3.40 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued over $2.70 but not over $6 per dozen, and other articles valued over $4.50 but not over $11.50 per dozen.	5¢ per doz. pcs. +30% ad val.	10¢ per doz. pcs. +70% ad val.
	533.77	Cups valued over $4 per dozen, saucers valued over $1.90 per dozen, plates not over 9 inches in maximum diameter and valued over $3.40 per dozen, plates over 9 but not over 11 inches in maximum diameter and valued over $6 per dozen, and other articles valued over $11.50 per dozen.	5¢ per doz. pcs. +17.5% ad val.	10¢ per doz. pcs. +70% ad val.
A	534.11	Statues, statuettes, and hand-made flowers, all the foregoing not specially provided for, of ceramic ware, valued over $2.50 each and produced by professional sculptors or directly from molds made from original models produced by professional sculptors.	4% ad val	20% ad val.
		Smokers' articles, household articles, and art and ornamental articles such as, but not limited to, statutes, figurines, flowers, vases, lamp bases, bric-a-brac, and wall plaques, all the foregoing not specially provided for, of ceramic ware:		
A	534.21	Of ceramic tile	6% ad val	50% ad val.
A	534.31	Of coarse-grained earthenware, or of coarse-grained stoneware.	2.5% ad val	15% ad val.
		Of fine-grained earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze, and mottled, streaked, or solidly colored brown to black with metallic oxide or salt:		
A	534.74	Valued not over $1.50 per dozen articles	6% ad val	25% ad val.
A	534.76	Valued over $1.50 per dozen articles	3% ad val	25% ad val.
		Of fine-grained earthenware or of fine-grained stoneware (except articles provided for in items 534.74 and 534.76):		
A	534.81	Valued not over $3 per dozen articles	6¢ per doz. pcs. +17% ad val.	10¢ per doz. pcs. +50% ad val.
A	534.84	Valued over $3 but not over $10 per dozen articles	5¢ per doz. pcs. +15% ad val.	10¢ per doz. pcs. +50% ad val.
A	534.87	Valued over $10 per dozen articles	2¢ per doz. pcs. +10% ad val.	10¢ per doz. pcs. +50% ad val.
A	534.91	Of bone chinaware	12.5% ad val	70% ad val.
A	534.94	Of nonbone chinaware or of subporcelain	22.5% ad val	70% ad val.
A	534.97	Other	13.5% ad val	40% ad val.
		Subpart D—Industrial Ceramics		
		Subpart D headnote:		
		1. Nonceramic materials used merely for supporting, joining, or reinforcing purposes in chemical ware provided for in this subpart shall be disregarded in determining the component material of chief value in such articles.		
		Ceramic magnets, ceramic electrical insulators whether or not in part of metal, and other ceramic electrical ware, including ferro-electric and piezoelectric ceramic elements:		
A	535.11	Porcelain insulators, with metal parts cemented thereto and comprising not less than 30 percent of the weight thereof, used in high-voltage, low-frequency electrical systems.	15% ad val	35% ad val.
A	535.12	Ferrites	7.5% ad val	45% ad val.
A	535.14	Other	15% ad val	60% ad val.
	535.15	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

PART 2—CERAMIC PRODUCTS—Continued

[28 F.R. 8849]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart D—Industrial Ceramics—Continued		
		Laboratory and industrial chemical ware, of ceramic ware:		
A	535.21	Of porcelain or of subporcelain	30% ad val	60% ad val.
A	535.24	Of stoneware	20% ad val	60% ad val.
A	535.27	Other	10% ad val	45% ad val.
A*	535.31	Sanitary ware, including plumbing fixtures and bathroom accessories, all the foregoing, and parts thereof, of ceramic ware.	15% ad val	60% ad val.
A	535.41	Machinery parts, of porcelain or of subporcelain	7% ad val	40% ad val.
		Subpart E—Ceramic Articles Not Specially Provided For		
		Ceramic wares, and articles of such wares, not specially provided for:		
A	536.11	Of porcelain or of subporcelain	22.5% ad val	60% ad val.
A	536.15	Other	20% ad val	45% ad val.

AMENDMENTS

Item 531.37 amended by Pub. L. 89-241, §§ 2(a), 29, Oct. 7, 1965, 79 Stat. 933, 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 535.15 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 531.01, 531.04, 531.11, 531.21, 531.24, 531.27, 531.33, 531.35, 531.39, 532.11, 532.14, 532.31, 532.41, 532.61, 533.11, 533.14, 533.16, 533.23, 533.25, 533.28, 533.31, 533.33, 533.35, 533.36, 533.38, 533.41, 533.68, 533.69, 533.71, 533.73, 533.75, 533.77, 534.11, 534.21, 534.31, 534.74, 534.76, 534.81, 534.84, 534.87, 534.91, 534.94, 534.97, 535.12, 535.14, 535.21, 535.24, 535.27, 535.31, 535.41 and 536.11, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 3—GLASS AND GLASS PRODUCTS

[28 F.R. 8857]

GSP	Item	Articles	Rates of Duty	
			1	2
		Part 3 headnote:		
		1. For the purposes of the tariff schedules, fused quartz and fused silica shall be regarded as glass.		
		Subpart A—Glass in the Mass; Glass in Balls, Tubes, Rods, and Certain Other Forms; Foam Glass; Optical Glass; and Glass Fibers and Products Thereof		
		Subpart A headnotes;		
		1. This subpart does not cover— (i) articles (other than globules or balls) described in subpart C of this part; (ii) glass or synthetic optical crystals in any form optically worked (see part 2A of schedule 7); (iii) glass eyes (see parts 2B and 13A of schedule 7); (iv) toy marbles (see part 5E of schedule 7); (v) glass filaments, glass fibers, and articles thereof, specifically included as textiles in the provisions for "manmade fibers", and articles thereof (see headnote 2 of part 1E of schedule 3); or (vi) reinforced or laminated plastics, or articles thereof (see part 12A of schedule 7).		
		2. For the purposes of the tariff schedules, the term *"notoptically worked"* means that the glass or the synthetic optical crystals have not been subjected to any grinding or polishing incident to surface shaping for producing optical properties.		
		Glass, in the mass; glass, crushed, powdered, or flaked (frostings); and waste or scrap glass; all the foregoing except glass provided for in item 540.21 and 540.27:		
		Glass in the mass:		
A	540.11	Containing over 95 percent silica by weight	7.5% ad val	30% ad val.
A	540.13	Other	10.5% ad val	50% ad val.
A	540.14	Waste or scrap glass	2% ad val	10% ad val.
A	540.15	Other	7.5% ad val	30% ad val.
		Enamels, colors, glazes, and fluxes, all the foregoing of glass, frit, or calcine:		
A*	540.21	Ground or pulverized	6% ad val	30% ad val.
	540.27	Other	34% ad val	40% ad val.

See footnotes at end of table.

PART 3—GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8857]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Glass in the Mass; Glass in Balls, Tubes, Rods, and Certain Other Forms; Foam Glass; Optical Glass; and Glass Fibers and Products Thereof—Continued		
		Solid glass globules and balls, spherical or approximately spherical in shape, colored or not colored, for whatever use intended:		
	540.33	Not over 6 millimeters in diameter	17.5% ad val	60% ad val.
A	540.37	Over 6 millimeters in diameter	12.5% ad val	55% ad val.
		Glass rods, tubes, and tubing, all the foregoing not processed:		
A	540.41	Containing over 95 percent silica by weight	7% ad val	40% ad val.
A	540.43	Other	16% ad val	65% ad val.
A*	540.47	Bricks, blocks, tiles, slabs, squares, and other articles, all the foregoing, of pressed or molded glass, chiefly used in building.	12% ad val	60% ad val.
A	540.51	Small glass cubes, rectangles, fragments, or chippings, all the foregoing, whether or not attached to a backing, chiefly used for making mosaics and for other decorative purposes.	8.5% ad val	60% ad val.
A	540.55	Foam glass in any form	15% ad val	60% ad val.
		Optical glass in any form, including blanks for spectacle lenses and for other optical elements; non-optical-glass blanks for corrective spectacle lenses; synthetic optical crystals in the form of ingots, segments of ingots, sheets, or blanks for optical elements; all the foregoing not optically worked; polarizing material, in plates or sheets, not cut to shape or mounted for use as polarizing optical elements:		
A	540.61	Synthetic optical crystals in the form of ingots	5% ad val	25% ad val.
		Lens blanks:		
A	540.63	Spectacle lens blanks	10% ad val	40% ad val.
A	540.65	Other lens blanks	20% ad val	40% ad val.
A	540.67	Other optical glass and synthetic optical crystals; polarizing material.	25% ad val	50% ad val.
A	540.71	Glass fibers in bulk; glass fibers in the form of mats, batts, blankets, felts, pads, casings and boards, all the foregoing, of a density not over 25 pounds per cubic foot, whether or not coated, impregnated, or bonded with glue, plastics, or other substances, or lined, backed, or supported with paper, paperboard, fabrics or similar material, or with metal mesh or foil; glass-fiber filters, with or without their frameworks or supports; and articles not specially provided for, of glass fibers.	11% ad val	50% ad val.
	540.72	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Subpart B—Flat Glass and Products Thereof		
		Subpart B headnotes;		
		1. This subpart covers flat glass and certain articles made therefrom. This subpart does not cover— (i) articles described in subpart A or C of this part; (ii) glass optically worked (see part 2A of schedule 7); (iii) certain painted, colored, or stained glass windows imported for the use of religious institutions (see part 4 of schedule 8).		
		2. For the purposes of this subpart— (a) the term "cast or rolled glass" refers to glass that, as originally produced, has surfaces one or both of which, by a rolling process, have been made rough, figured, fluted, or ribbed, or have been otherwise impressed; (b) the term "ordinary glass" refers to glass other than "colored or special glass" as defined in headnote 2(c), infra; (c) the term "colored or special glass" refers to glass that has a transmittance of normally incident light of less than 66 percent at one or more wave lengths from 400 to 700 millimicrons, inclusive, or a transmittance of less than 80 percent at one or more wave lengths from 525 to 575 millimicrons, inclusive, for glass ¼ inch in thickness, or of the equivalent transmittances for any other thickness, provided that, in determining such light transmittances, the effect of surface irregularities or configurations, or of other surface treatment (except flashing applied prior to solidification), and the effect of wire netting within the glass, shall be eliminated; (d) the term "united inches" refers to the sum in inches of the length and width of a rectangle of glass; and		

See footnotes at end of table.

PART 3—GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8857]

Subpart B—Flat Glass and Products Thereof—Continued

Subpart B headnotes—Continued

(e) the term "polished", as used with reference to glass, refers to glass one or both of the surfaces of which have been made smooth and glossy, in whole or in part, by abrasive or chemical means, or by floating the glass over molten metal.

3. For the purposes of this subpart, superficial area shall be used in determining the surface area of cast or rolled glass.

4. Glass provided for in items 542.11 through 542.98, imported in any shipment in quantities over 50 square feet of the same size and thickness, shall be denied entry unless—

(i) packed in units containing, as nearly as the particular size permits, 50 square feet, or multiples thereof, or

(ii) packed in units containing multiples of the number of sheets of the same size and thickness which would be contained in a unit if packed to contain, as nearly as such size permits, 50 or 100 square feet, or

(iii) otherwise packed in a manner which conforms to the packing practices of the domestic glass industry as determined and published from time to time by the Secretary of the Treasury.

GSP	Item	Articles	Rates of Duty 1	Rates of Duty 2
	541.01	Ribbon glass, or flat glass, in rectangles or otherwise, not ground and not otherwise processed, weighing not over 4 oz. per sq. ft.	Free	Free.
		Glass (whether or not containing wire netting), in rectangles, not ground, not polished and not otherwise processed, weighing over 4 oz. per sq. ft.:		
		Cast or rolled glass:		
A	541.11	Ordinary glass	0.3¢ per lb	1.5¢ per lb.
		Colored or special glass:		
A	541.21	Opaque and measuring over 15/64 inch in thickness.	0.6¢ per lb	5.5¢ per lb.
A	541.31	Opaque and measuring not over 15/64 inch in thickness, or not opaque and of any thickness.	0.3¢ per lb. + 1% ad val	1.5¢ per lb. + 5% ad val.
		Other, including blown or drawn glass, but excluding pressed or molded glass:		
		Ordinary glass:		
		Weighing over 4 oz. but not over 12 oz. per sq. ft.:		
	542.11	Measuring not over 40 united inches	0.7¢ per lb.[3]	1.5¢ per lb.
	542.13	Measuring over 40 united inches	0.9¢ per lb.[3]	1.9¢ per lb.
		Weighing over 12 oz. but not over 16 oz. per sq. ft.:		
	542.21	Measuring not over 40 united inches	1¢ per lb.[3]	2.1¢ per lb.
	542.23	Measuring over 40 but not over 60 united inches.	1.1¢ per lb.[3]	2.4¢ per lb.
	542.25	Measuring over 60 united inches	1.2¢ per lb.[3]	2.5¢ per lb.
		Weighing over 16 oz. but not over 28 oz. per sq. ft.:		
	542.31	Measuring not over 40 united inches	0.7¢ per lb.[3]	1.5¢ per lb.
	542.33	Measuring over 40 but not over 60 united inches.	0.9¢ per lb.[3]	1.9¢ per lb.
	542.35	Measuring over 60 but not over 100 united inches.	1.1¢ per lb.[3]	2.4¢ per lb.
	542.37	Measuring over 100 united inches	1.4¢ per lb.[3]	2.8¢ per lb.
		Weighing over 28 oz. per sq. ft.:		
	542.42	Not over 2⅔ sq. ft. in area	0.7¢ per lb.[3]	1.5¢ per lb.
	542.44	Over 2⅔ but not over 7 sq. ft. in area	0.9¢ per lb.[3]	1.9¢ per lb.
	542.46	Over 7 but not over 15 sq. ft. in area	1.1¢ per lb.[3]	2.4¢ per lb.
	542.48	Over 15 sq. ft. in area	1.4¢ per lb.[3]	2.8¢ per lb.[3]
		Colored or special glass:		
	542.57	Weighing over 4 oz. but not over 12 oz. per sq. ft.	1.7¢ per lb.[3]	4.0¢ per lb.
	542.67	Weighing over 12 oz. but not over 16 oz. per sq. ft.	6¢ per lb.[3]	13.0¢ per lb.
		Weighing over 16 oz. but not over 28 oz. per sq. ft.:		
	542.71	Measuring not over 40 united inches	0.7¢ per lb[3] + 2.5% ad val.[3].	1.5¢ per lb. + 5% ad val.
	542.73	Measuring over 40 but not over 60 united inches.	0.9¢ per lb[3] + 2.5% ad val.[3].	1.9¢ per lb. + 5% ad val.
	542.75	Measuring over 60 but not over 100 united inches.	1.1¢ per lb[3] + 2.5% ad val.[3].	2.4¢ per lb. + 5% ad val.
	542.77	Measuring over 100 united inches	1.4¢ per lb[3] + 2.5% ad val.[3].	2.8¢ per lb. + 5% ad val.

See footnotes at end of table.

PART 3—GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8857]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Flat Glass and Products Thereof—Continued		
		Glass (whether or not containing wire netting), in rectangles, not ground, not polished and not otherwise processed, weighing over 4 oz. per sq. ft.—Continued		
		Other, including blown or drawn glass, but excluding pressed or molded glass—Continued		
		Colored or special glass—Continued		
		Weighing over 28 oz. per sq. ft.:		
	542.92	Not over 2⅔ sq. ft. in area	0.7¢ per lb[3] + 2.5% ad val.[3].	1.5¢ per lb. + 5% ad val.
	542.94	Over 2⅔ but not over 7 sq. ft. in area	0.9¢ per lb[3] + 2.5% ad val.[3].	1.9¢ per lb. + 5% ad val.
	542.96	Over 7 but not over 15 sq. ft. in area	1.1¢ per lb[3] + 2.5% ad val.[3].	2.4¢ per lb. + 5% ad val.
	542.98	Over 15 sq. ft. in area	1.4¢ per lb[3] + 2.5% ad val.[3].	2.8¢ per lb. + 5% ad val.[3]
		Glass (including plate glass and float glass), whether or not containing wire netting, in rectangles, ground or polished on one or both surfaces in whole or in part, but not further processed:		
		Ordinary glass:		
A	543.11	Containing wire netting	3.8¢ per sq. ft.[3]	23¢ per sq. ft.
		Not containing wire netting:		
	543.21	Measuring not over 15/32 inch in thickness:		
	543.21	Not over 2⅔ sq. ft. in area	1.7¢ per sq. ft	12.5¢ per sq. ft.
	543.23	Over 2⅔ but not over 7 sq. ft. in area	2.5¢ per sq. ft	17.25¢ per sq. ft.
	543.27	Over 7 sq. ft. in area	2.8¢ per sq. ft	19.75¢ per sq. ft.
	543.31	Measuring over 15/32 inch in thickness	10.5% ad val	50% ad val.
		Colored or special glass:		
		Measuring not over 15/32 inch in thickness:		
	543.61	Not over 2⅔ sq. ft. in area	1.7¢ per sq. ft. + 1% ad val	12.5¢ per sq. ft. +5% ad val.
	543.63	Over 2⅔ but not over 7 sq. ft. in area	2.5¢ per sq. ft. +1% ad val.	17.25¢ per sq. ft. +5% ad val.
	543.67	Over 7 sq. ft. in area	2.8¢ per sq. ft. +1% ad val.	19.75¢ per sq. ft. +5% ad val.
	543.69	Measuring over 15/32 inch in thickness	11.5% ad val	55% ad val.
		Glass (including cast, rolled, drawn, or blown glass, whether or not containing wire netting or surface ground or polished), cut to other than rectangular shape (except glass provided for in item 541.01), and glass (including cast, rolled, drawn, or blown glass, whether or not containing wire netting or surface ground or polished), whether in rectangles or cut to other than rectangular shape, subjected to bending, curving, beveling, edging, notching, drilling, chipping, sanding, embossing, engraving, etching, coating, staining, enamelling, painting, decorating, or any combination thereof, all the foregoing glass, whether or not such cutting or processing dedicates the glass to a specific use, but not including any article hereinafter described in this subpart or described in subpart A or C of this part:		
A*	544.11	Strips, not over 6 inches in width, weighing over 16 ounces per square foot, and having all longitudinal edges ground or otherwise smoothed or processed.	22% ad val	53% ad val.
		Other:		
A	544.14	Glass measuring over 15/32 inch in thickness	11.5% ad val	60% ad val.
		Other:		
A	544.16	Glass, drawn or blown and not containing wire netting and not surface ground or polished.	15% ad val	60% ad val.
	544.17	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	544.18	Other	7.5% ad val	60% ad val.
	544.20	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
	544.31	Toughened (specially tempered) glass, made of any of the glass described in items 541.11 through 544.18, whether or not shaped or framed or both.	11% ad val	50% ad val.
	544.32	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	544.41	Laminated glass made of two or more layers of any of the glass described in items 541.11 through 544.31, inclusive, and other material, whether or not shaped or framed or both.	9% ad val	60% ad val.
	544.42	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

PART 3—GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8857]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Flat Glass and Products Thereof—Continued		
		Mirrors, made of any of the glass described in items 541.11 through 544.41, with or without frames or cases (except framed or cased mirrors of precious metal, and mirrors designed for use in instruments):		
A	544.51	Not over 1 sq. ft. in reflecting area	17.5% ad val	50% ad val.
	544.52	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	544.54	Over 1 sq. ft. in reflecting area	10% ad val	45% ad val.
	544.55	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	544.61	Multiple glazed units made of any of the glass described in items 541.11 through 544.41, however sealed, containing two or more glass sheets with a vacuum, or air or other gas between them.	11% ad val	50% ad val.
A	544.64	Painted, colored, or stained glass windows, however set, and parts thereof.	15% ad val	60% ad val.
		Subpart C—Glassware and Other Glass Products		
		Subpart C headnotes: 1. This subpart does not cover certain articles with a light-reflecting surface provided for in item 790.50 of part 13A of schedule 7. 2. The provisions in this subpart for laboratory glassware (items 547.53 and 547.55) include laboratory apparatus or instruments which are essentially glassware whether or not furnished with supports, frames, or mounts of other materials.		
		Containers (except ampoules) chiefly used for the packing, transporting, or marketing of merchandise, and containers chiefly used for home canning and preserving, all the foregoing, of glass, with or without their closures and whether or not coated with plastics materials:		
		Ordinarily used for perfume or other toilet preparations, or if fitted with or designed for use with ground glass stoppers:		
A	545.11	Produced by automatic machine	5% ad val	25% ad val.
A	545.17	Otherwise produced	16% ad val	75% ad val.
		Other:		
A	545.21	Holding not over ¼ pint	11¢ per gross	50¢ per gross.
A	545.25	Holding over ¼ pint but not over 1 pint	0.37¢ per lb	1½¢ per lb.
A	545.27	Holding over 1 pint	0.2¢ per lb	1¢ per lb.
		Glass inners designed for vacuum flasks or for other vacuum vessels:		
A*	545.31	Having a capacity of not over 1 pint	4¢ each +20% ad val	15¢ each +45% ad val.
A	545.34	Having a capacity of over 1 but not over 2 pints	7¢ each +20% ad val	30¢ each +45% ad val.
A	545.35	Having a capacity of over 2 but not over 4 pints	10.5¢ each +20% ad val	37.5¢ each +45% ad val.
A	545.37	Having a capacity of over 4 pints	16.5¢ each +20% ad val	45¢ each +45% ad val.
		Illuminating articles for use in the household or elsewhere in connection with artificial illumination (except candle illumination) in such manner as to pass, reflect, refract, disperse, color, or otherwise affect the light for practical or ornamental purposes; articles which reflect or color artificial light directed on them for use as, or in connection with, signs or signals; and parts of any of the foregoing articles; any of the foregoing, of glass, and not optically worked:		
A*	545.53	Globes and shades	14% ad val	70% ad val.
A	545.55	Lamp bases	12% ad val	60% ad val.
A	545.57	Prisms and other glass articles of a type used in chandeliers and wall brackets, and articles made therefrom.	12% ad val	60% ad val.
A	545.61	Lenses and filters, and parts thereof, for lighting and signal purposes.	13% ad val	60% ad val.
	545.62	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	545.63	Reflecting lenses, buttons, and other reflecting articles, used as, or in connection with, signs or signals.	12% ad val	60% ad val.
	545.64	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A*	545.65	Chimneys	15% ad val	60% ad val.
A	545.67	Other	12% ad val	60% ad val.
		Christmas ornaments of glass:		
A	545.81	Beads	6% ad val	35% ad val.
		Other:		
A	545.85	Valued not over $7.50 per gross	20% ad val	60% ad val.
A	545.87	Valued over $7.50 per gross	12.5% ad val	60% ad val.

See footnotes at end of table.

PART 3—GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8857]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart C—Glasssware and Other Products—Continued		
		Articles chiefly used in the household or elsewhere for preparing, serving, or storing food or beverages, or food or beverage ingredients; smokers' articles, household articles, and art and ornamental articles, all the foregoing not specially provided for:		
		Glassware made of glass containing by weight over 24 percent lead monoxide:		
	546.11	Valued not over $1 each	20% ad val	60% ad val.
	546.13	Valued over $1 but not over $3 each	14% ad val	60% ad val.
	546.17	Valued over $3 each	10.5% ad val	60% ad val.
		Glassware, other than the foregoing, decorated with metal flecking, glass pictorial scenes, or glass thread- or ribbon-like effects, any of the foregoing embedded or introduced into the body of the glassware prior to its solidification; millefiori glassware:		
		Valued not over $1 each:		
A	546.21	Smokers' articles	12% ad val	60% ad val.
A*	546.23	Other	20% ad val	60% ad val.
A	546.25	Valued over $1 each	12.5% ad val	60% ad val.
	546.35	Glassware, other than the foregoing, colored prior to solidification, and characterized by random distribution of numerous bubbles, seeds, or stones, throughout the mass of the glass.	20% ad val	60% ad val.
	546.38	Glassware, other than the foregoing, pressed and toughened (specially tempered), chiefly used for preparing, serving, or storing food or beverages or food or beverage ingredients.	12.5% ad val	50% ad val.
		Other glassware:		
		Smokers' articles:		
A	546.40	Valued not over $1 each	22.5% ad val	60% ad val.
A	546.42	Valued over $1 but not over $3 each	22.5% ad val	60% ad val.
		Valued over $3 each:		
A	546.43	Cut or engraved	22.5% ad val	60% ad val.
A	546.44	Other	22.5% ad val	60% ad val.
		Perfume bottles fitted with ground glass stoppers:		
A	546.46	Valued not over $1 each	17.5% ad val	60% ad val.
A	546.48	Valued over $1 but not over $3 each	17.5% ad val	60% ad val.
		Valued over $3 each:		
A	546.49	Cut or engraved	17.5% ad val	60% ad val.
A	546.50	Other	17.5% ad val	60% ad val.
		Other:		
	546.52	Valued not over $0.30 each	50% ad val	60% ad val.
	546.54	Valued over $0.30 but not over $1 each	30% ad val	60% ad val.
	546.56	Valued over $1 but not over $3 each	30% ad val	60% ad val.
		Valued over $3 each:		
	546.58	Cut or engraved	15% ad val	60% ad val.
	546.59	Other	15% ad val	60% ad val.
		Clock and watch glasses and other protective glasses, including glasses for noncorrective spectacles, all the foregoing, with one or both surfaces curved but not optically worked (except blanks for corrective spectacle lenses):		
		Watch glasses:		
A	547.11	Round	7.5% ad val	60% ad val.
A	547.13	Other	24% ad val	60% ad val.
A	547.15	Other	12.5% ad val	60% ad val.
	547.16	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	547.21	Gauge glasses, whether tubular or nontubular	10% ad val	60% ad val.
		Glass envelopes (including bulbs and tubes), without fittings, designed for electric lamps, vacuum tubes or other electrical devices:		
A	547.31	Bulbs for incandescent lamps	5% ad val	20% ad val.
A	547.37	Other	12.5% ad val	55% ad val.
		Glass electric insulators with or without fittings:		
A	547.41	With metal fittings	7.5% ad val	35% ad val.
A	547.43	Without metal fittings	10% ad val	50% ad val.
A	547.51	Glass ampoules	12.5¢ per gross	50¢ per gross.
		Pharmaceutical, hygienic, and laboratory glassware, whether or not graduated or calibrated:		
A	547.53	Containing over 95 percent silica by weight	10% ad val	50% ad val.
A	547.55	Other	21% ad val	85% ad val.

See footnotes at end of table.

PART 3—GLASS AND GLASS PRODUCTS—Continued

[28 F.R. 8857]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart D—Glass Articles Not Specially Provided For		
		Articles not specially provided for, of glass:		
		Tubes and tubing with the ends processed:		
A	548.01	Containing over 95 percent silica by weight	7% ad val	40% ad val.
A	548.03	Other	16% ad val	60% ad val.
A	548.05	Other	12.5% ad val	55% ad val.

For explanation of the symbol "A" or "A" in the column marked "GSP", see general headnote 3(c).
For explanation of the asterisk "" in the Rates of Duty Columns, see general headnote 3(g).
(s)=Suspended. See general headnote 3(b).
[1] Duty temporarily suspended for graphite valued $50 or less per ton. See part 1 of Appendix to Tariff Schedules.
[2] Duty temporarily suspended by legislation. See part 1B of Appendix to Tariff Schedules.
[3] Rate increased pursuant to escape-clause proclamation. See part 2 of Appendix to Tariff Schedules.
[4] Rate increased on certain glass pursuant to escape-clause proclamation. See part 2 of Appendix to Tariff Schedules.

AMENDMENTS

Item 540.72 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Items 542.75 and 542.77 amended by Pub. L. 89–241, §§ 2(a), 30, Oct. 7, 1965, 79 Stat. 933, 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 544.18 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 544.32 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 544.42 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 544.52 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 544.55 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 545.62 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 545.64 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 547.16 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rate of duty for items 540.11, 540.13, 540.14, 540.15, 540.21, 540.33, 540.37, 540.41, 540.43, 540.47, 540.51, 540.55, 540.61, 540.63, 540.65, 540.67, 540.71, 541.11, 541.21, 541.31, 543.11, 543.21, 543.23, 543.27, 543.31, 543.61, 543.63, 543.67, 543.69, 544.14, 544.18, 544.31, 544.41, 544.51, 544.54, 544.61, 544.64, 545.11, 545.17, 545.21, 545.25, 545.27, 545.31, 545.34, 545.35, 545.37, 545.53, 545.55, 545.57, 545.61, 545.63, 545.65, 545.67, 545.81, 545.85, 545.87, 546.11, 546.13, 546.17, 546.21, 546.23, 546.25, 546.35, 546.38, 546.40, 546.42, 546.44, 546.46, 546.48, 546.49, 546.50, 546.54, 546.56, 546.58, 546.59, 547.11, 547.13, 547.15, 547.21, 547.31, 547.37, 547.41, 547.43, 547.51, 547.53, 547.55, 548.01, 548.03 and 548.05, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

SCHEDULE 6—METALS AND METAL PRODUCTS [28 F.R. 8865]

Part 1—Metal-Bearing Ores and Other Metal-Bearing Materials.
Part 2—Metals, Their Alloys, and Their Basic Shapes and Forms.
  A. Precious Metals.
  B. Iron or Steel.
  C. Copper.
  D. Aluminum.
  E. Nickel.
  F. Tin.
  G. Lead.
  H. Zinc.
  J. Beryllium, Columbium, Germanium, Hafnium, Indium, Magnesium, Molybdenum, Rhenium, Tantalum, Titanium, Tungsten, Uranium, and Zirconium.
  K. Other Base Metals.
Part 3—Metal Products.
  A. Metallic Containers.
  B. Wire Cordage; Wire Screen, Netting and Fencing; Bale Ties.
  C. Metal Leaf and Foil; Metallics.
  D. Nails, Screws, Bolts, and Other Fasteners; Locks; Builders' Hardware; Furniture, Luggage, and Saddlery Hardware.
  E. Tools, Cutlery, Forks and Spoons.
  F. Miscellaneous Metal Products.
  G. Metal Products Not Specially Provided For.
Part 4—Machinery and Mechanical Equipment.
  A. Boilers, Non-electric Motors and Engines, and Other General-Purpose Machinery.
  B. Elevators, Winches, Cranes, and Related Machinery; Earthmoving and Mining Machinery.
  C. Agricultural and Horticultural Machinery; Machinery for Preparing Food and Drink.
  D. Pulp and Paper Machinery; Bookbinding Machinery; Printing Machinery.
  E. Textile Machines; Laundry and Dry Cleaning Machines; Sewing Machines.
  F. Machines for Working Metal, Stone, and Other Materials.
  G. Office Machines.
  H. Other Machines.
  J. Parts of Machines.
Part 5—Electrical Machinery and Equipment.

Part 6—Transportation Equipment.
  A. Rail Locomotives and Rolling Stock.
  B. Motor Vehicles.
  C. Aircraft and Spacecraft.
  D. Pleasure Boats; Floating Structures.

SCHEDULE 6 HEADNOTES

1. This schedule does not cover—

(i) chemical elements (except thorium and uranium) and isotopes which are usefully radioactive (see part 13B of schedule 4);

(ii) the alkali metals, i.e., cesium, lithium, potassium, rubidium, and sodium (see part 2A of schedule 4); or

(iii) certain articles and parts thereof, of metal, provided for in schedule 7 and elsewhere.

2. For the purposes of the tariff schedules, unless the context requires otherwise—

(a) the term "precious metal" embraces gold, silver, platinum and other metals of the platinum group (iridium, osmium, palladium, rhodium, and ruthenium), and precious-metal alloys;

(b) the term "base metal" embraces aluminum, antimony, arsenic, barium, beryllium, bismuth, boron, cadmium, calcium, chromium, cobalt, columbium, copper, gallium, germanium, hafnium, indium, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, rhenium, the rare-earth metals (including scandium and yttrium), selenium, silicon, strontium, tantalum, tellurium, thallium, thorium, tin, titanium, tungsten, uranium, vanadium, zinc, and zirconium, and base-metal alloys;

(c) the term "metal" embraces precious metals, base metals, and their alloys; and

(d) in determining which of two or more equally specific provisions for articles "of iron or steel", "of copper", "of aluminum", or "of" other base metals applies to an article containing two or more base metals and wholly or in chief value thereof, the classification shall be made according to the base metal which predominates by weight over each of the other base metals rather than according to the base metal in chief value.

PART 1—METAL-BEARING ORES AND OTHER METAL-BEARING MATERIALS

[28 F.R. 8867]

GSP	Item	Articles	Rates of duty	
			1	2

Part 1 headnotes:

1. This part covers metal-bearing ores, and certain other metal-bearing materials. This part does not cover—

(a) pigments or fertilizers (see schedule 4, parts 9B and 11, respectively), or chemical compounds (see schedule 4);

(b) slag cements, mineral wools, dolomite, cryolite, chiolite, or alunite, magnesite, or calcined bauxite (see schedule 5, part 1);

(c) precious and semiprecious stones (see schedule 5, part 1H); or

(d) metal waste and scrap, native metals separated from their gangues or matrices, or other metals essentially in a metallic state (see part 2 of this schedule).

2. For the purposes of this part—

(a) the term "metal-bearing ores" embraces only metalliferous minerals, whether crude or concentrated (by crushing, flotation, washing, or by other physical or mechanical separation processes which do not involve substantial chemical change), and roasted or sintered iron, lead, copper, manganese, and zinc concentrates, from which precious metals or base metals, as defined in headnote 2 of this schedule, are commercially obtained, including metals obtained directly in unalloyed form, in the form of alloys, or in the form of chemical compounds;

(b) the term "other metal-bearing materials of a type commonly used for the extraction of metal or as a basis for the manufacture of chemical compounds" embraces ash, slag, dross, scale, mattes, speiss, skimmings, flue dust, fumes, refinery slimes, residues, and all other materials (except metal-bearing ores, as above defined, and the dross or residuum from burnt pyrites) of a type from which precious metals or base metals, as defined in headnote 2 of this schedule, are commonly obtained (either as the result of a further processing of the materials as such, or as a result of the addition of the materials as alloying materials to other materials being processed), including metals obtained directly in unalloyed form, in the form of alloys, or in the form of chemical compounds;

(c) *lead plants* are pyrometallurgical reduction facilities whose principal production by weight, exclusive of waste materials and byproducts, consists of lead bullion;

PART 1—METAL-BEARING ORES AND OTHER METAL-BEARING MATERIALS—Continued

[28 F.R. 8867]

GSP	Item	Articles	Rates of duty	
			1	2

Part 1 headnotes—Continued

(d) *copper plants* are pyrometallurgical reduction facilities whose principal production by weight, exclusive of waste materials and byproducts, consists of blister copper, black copper, anode copper, or fire-refined copper;

(e) *zinc plants* are facilities whose principal production by weight, exclusive of waste materials and byproducts, consists of unwrought zinc metal, zinc pigments, zinc compounds, or zinc fume; and

(f) *Other plants* are all facilities which do not fall within the foregoing definitions of lead plants, copper plants, and zinc plants.

3. The duties imposed under item 602.10, 602.20, 602.28, or 602.30 of this part on the copper, lead, or zinc contained in metal-bearing ores are cumulative duties which apply in addition to the duties, if any, otherwise imposed on such ores.

4. *Dutiable metal content of ores and other materials:*

(a) The specific rates of duty imposed under the provisions of this part on the metal content of ores and other matrials shall apply to the quantity of metal contained therein as determined by chemical analysis without deductions, whether recovered as metals, as alloys, or as chemical compounds or used directly in the manufacture of articles, except as hereinafter provided in this headnote.

(b) *Allowable absolute deductions for losses on copper, lead, or zinc content:* With respect to ores or other materials provided for in this part which are subject to duty as specific rates on their copper, lead, or zinc content, absolute deductions from the respective quantities of each of such metal contents as determined by chemical analysis shall be allowed, except when losses which exceed such absolute deductions are allowable as provided in 4(c) of this headnote, as follows:

(i) *Materials initially treated at copper plants:*
- (A) From the copper content, 2 units
- (B) From the lead content, 2 units plus 50 percent by weight of any remaining lead content
- (C) From the zinc content, 100 percent by weight

(ii) *Materials initially treated at lead plants:*
- (A) From the copper content, 2 units
- (B) From the lead content, 2 units
- (C) From the zinc content, 2 units or 20 percent by weight of the zinc content, whichever is greater

(iii) *Materials initially treated at zinc plants:*
- (A) From the copper content, 2 units
- (B) From the lead content, 2 units
- (C) From the zinc content, 6 units

(iv) *Materials initially treated at other plants:*
- (A) From the copper content, 2 units
- (B) From the lead content, 2 units
- (C) From the zinc content, 2 units

For the purposes of these provisions, one unit is 20 pounds of the respective metal per dry short ton of imported material.

(c) *Allowable deductions in lieu of absolute deductions on copper, lead, or zinc content:* With respect to ores or other materials provided for in this part which are subject to duty at specific rates on their copper, lead, or zinc content, if more than 90 percent by weight of—

(i) the zinc content of the imported materials initially treated at any lead plant,

(ii) the copper content of the imported materials initially treated at any zinc plant, or

(iii) the copper, lead, or zinc content of the imported materials initially treated at any plant other than a copper, lead, or zinc plant,

is lost in processing during the fiscal year at such plant, the rate of loss to be applied to the like content of materials imported during the 12-month period beginning on the first day of the calendar month nearest to 90 days after the close of the said fiscal year to be initially treated at such plant shall be the actual percentage by weight of such losses for such plant during the said fiscal year.

PART 1—METAL-BEARING ORES AND OTHER METAL-BEARING MATERIALS—Continued

[28 F.R. 8867]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Part 1 headnotes—Continued		

(d) *Claims for deductions:* The deductions provided for in 4(b) and 4(c), supra, do not apply to imported materials unless the importer, at the time entry for consumption or for warehouse is filed, makes claim therefor in writing and certifies as to the name, location, and status of the plant at which the materials are to be initially treated. If material with respect to which a certification has been filed is to be transferred to a plant for initial treatment other than the plant specified in the certification, the importer shall notify the collector at the port of entry in advance of the transfer of the material and the entry shall be liquidated or reliquidated on the basis of the allowable losses for the plant to which transfer is to be made. If the importer fails to so notify the collector or fails to transfer the material after having notified the collector of his intention to do so, no deductions shall be allowable on such material and liquidation or reliquidation of the entry shall be made accordingly.

(e) *Statements of losses:* If losses are to be claimed under headnote 4(c), supra, for a specific plant, the importer shall, not later than 60 days after the close of each fiscal year, file with the collector of customs of the customs collection district in which the plant is located, a statement of losses for said fiscal year for the plant involved and at the request of the importer said collector shall advise the collectors of customs at other ports designated by the importer of the rates of losses at the said plant.

(f) *Maintenance of plant records:* Each plant for which any of the deductions provided for in this headnote are claimed shall maintain records showing the receipt and disposition of each shipment of materials received in the plant and, if losses are to be claimed under headnote 4(c), supra, a record of the losses experienced, and these records shall be made available for inspection by customs officers.

5. When the classification of imported materials under any provision of this part is dependent on the percentage of metal content, such percentage shall be the ratio of the total quantity of the respective metal content to the total quantity of imported material when computed on a dry-weight basis, i.e., free of all uncombined moisture.

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Metal-bearing ores and the dross or residuum from burnt pyrites:		
	601.03	Antimony ore	Free	Free.
	601.06	Bauxite	Free	$1 per ton.[1]
	601.09	Beryllium ore	Free	Free.
	601.12	Cerium ore	Free	Free.
	601.15	Chrome ore	Free	Free.
	601.18	Cobalt ore	Free	Free.
	601.21	Columbium ore	Free	Free.
	601.24	Iron ore, including manganiferous iron ore containing not over 10 percent by weight of manganese, and the dross or residuum from burnt pyrites.	Free	Free.
A	601.27	Manganese ore, including ferruginous manganese ore, and manganiferous iron ore, all the foregoing containing over 10 percent by weight of manganese.	0.12¢ per lb. on manganese content.	1¢ per lb. on manganese content.
	601.28	Ore (except manganiferous iron ore), the product of Cuba.	Free (s)	
	601.30	Mercury ore	Free	Free.
A	601.33	Molybdenum ore	12¢ per lb. on molybdenum content.	35¢ per lb. on molybdenum content.
	601.36	Nickel ore	Free	Free.
	601.39	Precious metal ores	Free	Free.
	601.42	Tantalum ore	Free	Free.
	601.45	Thorium ore (including monazite sand)	Free	Free.
	601.48	Tin ore and black oxide of tin	Free	Free.
	601.51	Titanium ore (including ilmenite, ilmenite sand, rutile, and rutile sand).	Free	Free.
	601.54	Tungsten ore	25¢ per lb. on tungsten content.	50¢ per lb. on tungsten content.
	601.57	Uranium ore	Free	Free.
	601.60	Vanadium ore	Free	Free.
	601.63	Zirconium ore (including zirconium sand)	Free	Free.
	601.66	Other metal-bearing ores	Free	Free.

See footnotes at end of table.

PART 1—METAL-BEARING ORES AND OTHER METAL-BEARING MATERIALS—Continued

[28 F.R. 8867]

GSP	Item	Articles	Rates of duty	
			1	2
		Any of the foregoing ores bearing lead, zinc, or copper:		
A	602.10	All lead-bearing ores	0.75¢ per lb. on lead content.[3].	1.5¢ per lb. on lead content.[3]
A	602.20	All zinc-bearing ores	0.67¢ per lb. on zinc content.[3].	1.67¢ per lb. on zinc content.[3]
		All copper-bearing ores:		
	602.25	For an aggregate amount not to exceed 15,000 tons of copper content in ores which contain by weight not over 15 percent copper and which are entered in any calendar year for use as a flux or sulphur reagent in copper smelting or converting.	Free of duty on copper content.	Free of duty on copper content.
		Other:		
A	602.28	When, under the procedures set forth in headnote 5 of part 2C of this schedule, the market price of copper is considered to be below 24 cents per pound.	1¢ per lb. on copper content.	4¢ per lb. on copper content.
	602.29	If products of Cuba	Free of duty on copper content(s).	
A	602.30	Other	0.8¢ per lb. on copper content.[3].	4¢ per lb. on copper content.
	602.31	If products of Cuba	Free of duty on copper content(s).	
		Other metal-bearing materials of a type commonly used for the extraction of metal or as a basis for the manufacture of chemical compounds:		
	603.05	Aluminum dross and skimmings	Free	Free.
A	603.10	Antimony, needle or liquated	0.1¢ per lb	0.25¢ per lb.
A	603.15	Ferrous scale	37¢ per ton	75¢ per ton.
	603.20	Flue dust or fume containing, by weight, over 55 percent of cadmium and not over 15 percent of any one or combination of the metals lead, zinc, or copper.	Free	Free.
A	603.25	Lead dross	1.0625¢ per lb. on lead content.[3].	2.125¢ per lb. on lead content.[3]
A	603.30	Zinc dross and zinc skimmings	0.75¢ per lb.[3]	1.5¢ per lb.[3]
		Other:		
A	603.40	Materials in chief value of molybdenum	10¢ per lb. on molybdenum content +3% ad val.	50¢ per lb. on molybdenum content +15% ad val.
A*	603.45	Materials in chief value of tungsten	21¢ per lb. on tungsten content +10% ad val.	60¢ per lb. on tungsten content +40% ad val.
		Materials, other than the foregoing, containing, by weight, over 10 percent of any one of the metals copper, lead, or zinc, and to be initially treated at a copper, lead, or zinc plant:		
A	603.49	When, under the procedures set forth in headnote 5 of part 2C of this schedule, the market price of copper is considered to be below 24 cents per pound.	1¢ per lb. on copper content +0.75¢ per lb. on lead content +0.67¢ per lb. on zinc content.	4¢ per lb. on copper content +1.5¢ per lb. on lead content +1.67¢ per lb. on zinc content.
A*	603.50	Other	0.8¢ per lb. on copper content +0.75¢ per lb. on lead content +0.67¢ per lb. on zinc content.[3].	4¢ per lb. on copper content +1.5¢ per lb. on lead content +1.67¢ per lb. on zinc content.
		Materials, other than the foregoing, containing, by weight, over 5 troy ounces of gold per short ton, or over 100 troy ounces of precious metals per short ton:		
A	603.54	When, under the procedures set forth in headnote 5 of part 2C of this schedule, the market price of copper is considered to be below 24 cents per pound.	1¢ per lb. on copper content +0.75¢ per lb. on lead content +0.67¢ per lb. on zinc content.	4¢ per lb. on copper content +1.5¢ per lb. on lead content +1.67¢ per lb. on zinc content.
A	603.55	Other	0.8¢ per lb. on copper content +0.75¢ per lb. on lead content +0.67¢ per lb. on zinc content.	4¢ per lb. on copper content +1.5¢ per lb. on lead content +1.67¢ per lb. on zinc content.
	603.60	Materials, other than the foregoing, containing, by weight, over 10 percent of nickel.	Free	Free.
	603.62	Materials, other than the foregoing, which consist of slag containing by weight over 40 percent titanium, and which if containing over 2 percent by weight of copper, lead, or zinc are not to be treated for the recovery thereof.	Free	Free.
	603.65	Materials, other than the foregoing, which are residues not advanced in value or condition by any means, and which if containing over 2 percent by weight of copper, lead, or zinc are not to be treated for the recovery thereof.	Free	Free.
A	603.70	Other	7.5% ad val	30% ad val.

See footnotes at end of table.

AMENDMENTS

Headnote 2(a) amended by Pub. L. 91-613, Dec. 31, 1970, 84 Stat. 1835.

Headnote 2(a) amended by Pub. L. 89-241, §§ 2(a), 31, Oct. 7, 1965, 79 Stat. 933, 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 601.06 amended by Pub. L. 92-151, § 1(a)(3), (c), Nov. 5, 1971, 85 Stat. 417, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1971.

PROCLAMATION OF DUTY RATE FOR BAUXITE ORE; STATUS OF CHANGE; SUPERSEDURE OF STAGED RATE IN ANNEX III TO PROC. NO. 3822

Treatment of duty rate for bauxite ore, as a Presidential proclamation rather than Congressional enactment, and supersedure of staged rate for such item in Annex III to Proc. No. 3822, see note set out under Part 2 of Schedule 4 of the Tariff Schedules.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 601.06, 601.27, 601.33, 601.54, 602.28, 602.30, 603.10, 603.15, 603.40, 603.46, 603.49, 603.50, 603.54, 603.55 and 603.70, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 2 headnotes: 1. This part covers precious metals and base metals (including such metals when they are chemically pure), their alloys, and their so-called basic shapes and forms, and, in addition, covers metal waste and scrap. Unless the context requires otherwise, the provisions of this part apply to the products described by whatever process made (i.e., whether rolled, forged, drawn, extruded, cast or sintered) and whether or not such products have been subjected to treatments to improve the properties or appearance of the metals or to protect them against rusting, corrosion or other deterioration. These treatments include annealing, tempering, case-hardening and similar heat-treatments or nitriding; descaling, pickling, scraping, scalping and other processes to remove oxidation scale and crust; rough coating with oil, tar, grease, red lead, or other material to prevent rusting; polishing, burnishing, glazing, artificial oxidation, phosphatizing, and other finishing treatments; metallization by cementation, by electroplating, by immersion in a bath of molten metal, or by other means; coating with enamel, paint, lacquer, or other nonmetallic substances; and clading. This part does not include— (i) insulated electric conductors (see part 5 of this schedule); (ii) milliner's wire and other wire covered with textile or other nonmetallic material (see part 3B of this schedule); (iii) leaf and foil (see part 3C of this schedule); or (iv) other articles specially provided for elsewhere in the tariff schedules, or parts of articles. 2. *Alloys.*—(a) For the purposes of the tariff schedules, alloys are defined and classifiable as hereinafter set forth. Alloys are metallic substances consisting of two or more metals, or of one or more metals and one or more nonmetals, intimately united, usually by having been fused together and which may or may not have been dissolved in each other when molten; they include sintered mixtures of metal powders and heterogeneous intimate mixtures obtained by fusion, but do not include substances in which the total weight of the metals does not equal or exceed the total weight of the nonmetal components. (b) *Precious-metal alloys* are alloys which contain 2 percent or more by weight of one or more metals of the platinum group, of gold, or of silver. Precious-metal alloys are classifiable as— (i) alloys of platinum, if they contain 2 percent or more by weight of one or more metals of the platinum group; (ii) alloys of gold, if they contain 2 percent or more by weight of gold, but contain no metal of the platinum group or less than 2 percent by weight thereof; and (iii) alloys of silver, if they contain 2 percent or more by weight of silver, and are not alloys of platinum or alloys of gold, as defined in b (i) and (ii), respectively, of this headnote.		

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2

Part 2 headnotes—Continued

(c) *Base-metal alloys* are alloys which contain one or more base metals and are not any of the precious-metal alloys, as defined in (b) of this headnote. Base-metal alloys are classifiable as—

(i) alloys of that base metal which predominates by weight over each of the other metallic elements contained therein, except as specified in (c)(ii) of this headnote; and

(ii) ferroalloys (as defined in headnote 2(e) of subpart B of this part) or master alloys (as defined in headnote 2(b) of subpart C of this part) under their respective headings in subpart B or C of this part, regardless of the base metal therein which predominates by weight.

(d) In the tariff schedules, unless the context requires otherwise, a provision for a specific metal includes that metal and its alloys.

3. For the purposes of this part, unless the context requires otherwise—

(a) the term "unwrought" refers to metal, whether or not refined, in the form of ingots, blocks, lumps, billets, cakes, slabs, pigs, cathodes, anodes, briquettes, cubes, sticks, grains, sponge, pellets, shot, and similar primary forms, but does not cover rolled, forged, drawn, or extruded products, tubular products, or cast or sintered forms which have been machined or processed otherwise than by simple trimming, scalping, or descaling;

(b) the term "waste and scrap" refers to materials and articles of metal which are second-hand or waste or refuse, or are obsolete, defective or damaged, and which are fit only for the recovery of the metal content or for use in the manufacture of chemicals, and does not include metal in unwrought form or metal-bearing materials provided for in part 1 of this schedule;

(c) the term "wrought," as applied to metal products other than wrought iron, refers to products which have been rolled, forged, drawn, or extruded, and also refers to cast or sintered products which have been machined or processed otherwise than by simple trimming, scalping, or descaling;

(d) the term "clad", as applied to metal products, refers to such products with two or more layers of metal of different colors or natures which have been associated or bonded together by forging, hammering, rolling, or other mechanical or thermic process to insure welding or molecular interpenetration of the surfaces in contact; and

(e) the term "pipes and tubes and blanks therefor" covers tubular products, including hollow bars and hollow billets but not including hollow drill steel, of any cross-sectional configuration, by whatever process made, whether seamless, brazed, or welded and whether with an open or lock seam or joint.

4. No allowance or reduction of duties for partial damage or loss in consequence of discoloration or rust occurring before importation shall be made upon iron or steel or upon any article of iron or steel.

Subpart A—Precious Metals

Subpart A headnotes:

1. This subpart does not cover—

(a) base metals coated or plated with precious metal or articles thereof; or

(b) jewelry, parts of jewelry, and other articles and parts specially provided for elsewhere in this schedule or in schedule 7.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Precious Metals—Continued		
		Subpart A headnotes—Continued		
		2. For the purposes of the tariff schedules—		
		(a) the term "platinum" refers to platinum and other metals of the platinum group (iridium, osmium, palladium, rhodium, and ruthenium), separately or together, and the term "the metal platinum" refers to the metal platinum alone;		
		(b) the term "semimanufactured" refers to wrought metal products in the form of bars, rods, sections, plates, sheets, strips, wire, tubes, pipes, and hollow bars, and to powder (other than primary metal in powder form);		
		(c) the term "rolled", as used in regard to precious metals, means material made with a metal base upon one or more surfaces of which a covering of precious metal is affixed by soldering, brazing, welding, hot-rolling, or similar mechanical methods, and also includes base metal inlaid with precious metal.		
		Platinum (including gold- or silver-plated platinum but not rolled platinum), unwrought or semimanufactured:		
		Unwrought:		
	605.02	Metals of the platinum group separately; native combinations of such metals; and artificial combinations of such metals containing by weight not less than 90 percent of the metal platinum.	Free	Free.
A	605.03	Other, including alloys of platinum	20% ad val	65% ad val.
		Semimanufactured:		
A	605.05	Gold-plated	25% ad val	65% ad val.
A	605.06	Silver-plated	12% ad val	65% ad val.
		Other:		
	605.07	Products having no dimension under 0.125 inch, wholly of metals of the platinum group separately, wholly of native combinations of metals of the platinum group, or wholly of artificial combinations thereof containing by weight not less than 90 percent of the metal platinum.	Free	Free.
A	605.08	Other, including alloys of platinum	20% ad val	65% ad val.
	605.20	Gold or silver bullion, dore, and gold or silver precipitates	Free	Free.
		Gold (including platinum- or silver-plated gold but not rolled gold), unwrought (except bullion, dore, and precipitates) or semimanufactured:		
A	605.27	Platinum- or silver-plated	16% ad val	65% ad val.
	605.28	Other	20% ad val	65% ad val.
		Silver (including platinum- or gold-plated silver but not rolled silver), unwrought (except bullion, dore, and precipitates) or semimanufactured:		
	605.46	Platinum-plated	16% ad val	65% ad val.
	605.47	Gold-plated	25% ad val	65% ad val.
A	605.48	Other	10.5% ad val	65% ad val.
		Rolled precious metals, unworked or semimanufactured:		
A	605.60	Plates and sheets	12% ad val	30% ad val.
		Other:		
A	605.65	Rolled silver	10.5% ad val	65% ad val.
A*	605.66	Other	20% ad val	65% ad val.
	605.70	Precious-metal sweepings and other precious-metal waste and scrap.	Free	Free.
		Subpart B—Iron or Steel		
		Subpart B headnotes:		
		1. This subpart covers iron and steel, their alloys, and their so-called basic shapes and forms, and in addition covers iron or steel waste and scrap.		
		2. *Grades of iron, steel, and ferroalloys.*—For the purposes of the tariff schedules, the following terms have the meanings hereby assigned to them:		
		(a) *Pig iron (except vanadium or titanium pig iron) and cast iron:* A ferrous product (not including steel, as defined in (g) of this headnote) containing, by weight, 1.9 percent or more of carbon, and which may contain one or more alloy elements within the respective weight limits specified below:		
		Not over 6 percent manganese, not over 15 percent phosphorus, not over 8 percent silicon, not over 30 percent chromium, not over 40 percent tungsten, not over 0.1 percent vanadium, not over 0.1 percent titanium, an aggregate of not over 10 percent of other alloy elements.		

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2

Subpart B—Iron or Steel—Continued

Subpart B headnotes—Continued

(b) *Vanadium or titanium pig iron:* A ferrous product containing, by weight, over 0.1 percent but not over 35 percent of vanadium, or over 0.1 percent but not over 15 percent of titanium, and otherwise conforming to the specifications for pig iron in (a) of this headnote.

(c) *Spiegeleisen:* A ferrous product or ferroalloy containing, by weight, over 6 percent but not over 30 percent of manganese and otherwise conforming to the specifications for pig iron in (a) of this headnote.

(d) *Ferronickel:* A ferrous alloy consisting essentially of iron and nickel and containing 10 percent or more, by weight, of nickel.

(e) *Ferroalloys:* Alloys of iron (except spiegeleisen and ferronickel, as defined in headnotes 2(c) and 2(d), supra, respectively) which are not usefully malleable and are commonly used as raw material in the manufacture of ferrous metals and which contain one or more of the following elements in the quantity, by weight, respectively indicated:

Over 30 percent of manganese, or over 8 percent of silicon, or over 30 percent of chromium, or over 40 percent of tungsten, or a total of over 10 percent of other alloy elements, except copper, and

which, if containing silicon, do not contain over 96 percent of nonferrous alloy elements, or, if containing manganese but no silicon, do not contain over 92 percent of nonferrous alloy elements, or, if containing no manganese and no silicon, do not contain over 90 percent of nonferrous alloy elements. For the purposes of this subpart—

(i) *Ferrochromium* is a ferroalloy which contains, by weight, over 30 percent of chromium but not over 10 percent of silicon;

(ii) *Ferromanganese* is a ferroalloy which contains, by weight, over 30 percent of manganese but not over 10 percent of silicon;

(iii) *Ferromolybdenum* is a ferroalloy which contains, by weight, over 50 percent of molybdenum;

(iv) *Ferrophosphorus* is a ferroalloy which contains, by weight, over 15 percent of phosphorus;

(v) *Ferrosilicon* is a ferroalloy which contains, by weight, not over 30 percent of manganese and over 8 percent of silicon;

(vi) *Ferrosilicon chromium* is a ferroalloy which contains, by weight, over 30 percent of chromium and over 10 percent of silicon;

(vii) *Ferrosilicon manganese* is a ferroalloy which contains, by weight, over 30 percent of manganese and over 10 percent of silicon;

(viii) *Ferrosilicon titanium* is a ferroalloy which contains, by weight, over 15 percent of titanium and over 10 percent of silicon;

(ix) *Ferrosilicon tungsten* is a ferroalloy which contains, by weight, over 40 percent of tungsten and over 10 percent of silicon;

(x) *Ferrotitanium* is a ferroalloy which contains, by weight, over 15 percent of titanium but not over 10 percent of silicon;

(xi) *Ferrotungsten* is a ferroalloy which contains, by weight, over 40 percent of tungsten but not over 10 percent of silicon;

(xii) *Ferrovanadium* is a ferroalloy which contains, by weight, over 35 percent of vanadium; and

(xiii) *Ferrozirconium* is a ferroalloy which contains, by weight, over 10 perrcent of zirconium.

Part 2—Metals, Their Alloys, and Their Basic Shapes and Forms—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2

Subpart B—Iron or Steel—Continued

***Subpart B headnotes*—Continued**

(f) *Wrought iron:* A ferrous material, aggregated from a solidifying mass of pasty particles of highly refined metallic iron with which a uniformly distributed quantity of slag is incorporated without subsequent fusion. A cross section 90 degrees from the rolling direction of wrought iron contains a minimum of 200,000 slag filaments per square inch of cross section. Wrought iron may contain elements other than iron but iron must predominate, by weight, over each one.

(g) *Steel:* An alloy of iron and carbon which is malleable as first cast. Steel may contain other elements intended to enhance one or more properties and may contain elements unavoidably retained from raw materials, but iron must predominate, by weight, over each of the other elements.

(h) *Alloy iron or steel:* The term "alloy" when used as an adjective to designate a type or grade of iron or steel embraces only—

(i) iron which contains one or more of the following elements in the quantity, by weight, respectively indicated:

over 3.00 percent of manganese, or over 5.00 percent of phosphorus, or over 5.00 percent of sulphur, or over 3.00 percent of silicon, or over 0.20 percent of chromium, or over 0.10 percent of molybdenum, or over 0.30 percent of tungsten, or over 0.10 percent of vanadium, or over 0.60 percent of any other metallic element; and

(ii) steel which contains one or more of the following elements in the quantity, by weight, respectively indicated:

over 1.65 percent of manganese, or over 0.25 percent of phosphorus, or over 0.35 percent of sulphur, or over 0.60 percent of silicon, or over 0.60 percent of copper, or over 0.30 percent of aluminum, or over 0.20 percent of chromium, or over 0.30 percent of cobalt, or over 0.35 percent of lead, or over 0.50 percent of nickel, or over 0.30 percent of tungsten, or over 0.10 percent of any other metallic element.

In the absence of context which requires otherwise, wherever used in the tariff schedules, the term—

(iii) "iron or steel" includes alloy iron or steel; and

(iv) "stainless steel" refers to any alloy steel which contains by weight less than 1 percent of carbon and over 11.5 percent of chromium.

3. *Forms and condition of iron or steel.*—For the purposes of this subpart, the following terms have the meanings hereby assigned to them:

(a) *Ingots:* Castings resulting from the solidification of molten steel and having a columnar form suitable for working by rolling or forging.

(b) *Blooms and billets:* Semifinished products generally of rectangular or circular cross section, having a length several times greater than the maximum cross-sectional dimension, and, if rectangular, a width less than 4 times the thickness. A bloom is at least 36 square inches in cross-sectional area; a billet is less than 36 square inches but not less than 3 square inches in cross-sectional area.

(c) *Slabs and sheet bars:* Semifinished products of rectangular cross section, having a width of at least 4 times the thickness. A slab is not less than 2 inches and not over 6 inches in thickness; a sheet bar is less than 2 inches in thickness.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2

Subpart B—Iron or Steel—Continued

***Subpart B headnotes*—Continued**

(d) *Bars:* Products of solid section not conforming completely to the respective specifications set forth herein for blooms, billets, slabs, sheet bars, wire rods, plates, sheets, strip, wire, rails, joint bars, or tie plates, and which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons. *Deformed concrete reinforcing bars* are hot rolled steel bars, of solid cross section, having deformations of various patterns on their surfaces.

(e) *Hollow drill steel:* A hollow steel product in any cross section suitable for use in making mining drills or mining drill rods, with the largest internal cross-sectional dimension not greater than one-third of the largest external cross-sectional dimension.

(f) *Wire rods:* A coiled, semifinished, hot-rolled product of solid cross section, approximately round in cross section, not under 0.20 inch nor over 0.74 inch in diameter.

(g) *Plates and sheets:* Plates are flat rolled products, whether or not corrugated or crimped, in coils or cut to length, 0.1875 inch or more in thickness and, if not cold rolled, over 8 inches in width, or, if cold rolled, over 12 inches in width. Sheets are flat rolled products, whether or not corrugated or crimped, in coils or cut to length, under 0.1875 inch in thickness and over 12 inches in width. For the purposes of this subpart—

(i) the term "black plate" refers to cold rolled steel sheets, not coated, under 0.0142 inch in thickness;

(ii) the term "tin plate and tin coated sheets" refers to tin coated steel sheets; and

(iii) the term "terne plate and terne coated sheets" refers to steel sheets coated with terne metal (a lead-tin alloy).

(h) *Strip:* A flat rolled product, whether or not corrugated or crimped, in coils or cut to length, under 0.1875 inch in thickness, and, if cold rolled, over 0.50 inch but not over 12 inches in width, or, if not cold rolled, not over 12 inches in width.

(i) *Wire:* A finished, drawn, non-tubular product, of any cross-sectional configuration, in coils or cut to length, and not over 0.703 inch in maximum cross-sectional dimension. The term also includes a product of solid rectangular cross section, in coils or cut to length, with a cold-rolled finish, and not over 0.25 inch thick and not over 0.50 inch wide.

(j) *Angles, shapes, and sections:* Products which do not conform completely to the respective specifications set forth herein for blooms, billets, slabs, sheet bars, bars, wire rods, plates, sheets, strip, wire, rails, joint bars, or tie plates, and do not include any tubular products.

(k) *Rails:* Hot-rolled steel products, weighing not less than 8 pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway, and crane runway applications. Rails may be punched or not punched.

(l) *Joint bars:* Hot-rolled steel products designed to connect the ends of adjacent rails in track. Joint bars are usually punched or slotted.

(m) *Tie plates:* Hot-rolled steel products used to support rails in track, to maintain track gauge and protect the ties. Tie plates are punched to provide holes for spikes and have one or two shoulder sections as rail guides.

4. *Additional duties:* Iron or steel products which contain, by weight, one or more of the following elements in the quantity, by weight, respectively indicated:

over 0.2 percent of chromium, or over 0.1 percent of molybdenum, or over 0.3 percent of tungsten, or over 0.1 percent of vanadium.

are subject to additional cumulative duties as provided for in items 607.01, 607.02, 607.03, and 607.04, but these duties apply only with respect to products covered by provisions which make specific reference to this headnote in the "Rates of duty" columns.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

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GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Iron or Steel—Continued		
		Iron or steel products containing any of the following metals in the quantity respectively specified (see headnote 4 of this subpart):		
	607.01	Containing over 0.2 percent by weight of chromium	Additional duty of 0.75¢ per lb. on chromium content in excess of 0.2%.	Additional duty of 3¢ per lb. on chromium content in excess of 0.2%.
	607.02	Containing over 0.1 percent by weight of molybdenum	Additional duty of 17.5¢ per lb. on molybdenum content in excess of 0.1%.	Additional duty of 65¢ per lb. on molybdenum content in excess of 0.1%.
	607.03	Containing over 0.3 percent by weight of tungsten	Additional duty of 25¢ per lb. on tungsten content in excess of 0.3%.	Additional duty of 72¢ per lb. on tungsten content in excess of 0.3%.
	607.04	Containing over 0.1 percent by weight of vanadium	Additional duty of 20¢ per lb. on vanadium content in excess of 0.1%.	Additional duty of $1 per lb. on vanadium content in excess of 0.1%.
		Iron or steel waste and scrap:		
	607.10	Tin plate waste or scrap	Free	Free.
		Other:[3]		
	607.11	Not containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart.	Free	75¢ per ton.
A	607.12	Containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart.	18¢ per ton + additional duties (see headnote 4).	75¢ per ton + additional duties (see headnote 4).
		Pig iron, cast iron, and spiegeleisen, all the foregoing in pigs, blocks, lumps, and similar forms:		
		Pig iron and cast iron:		
	607.15	Not containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart.	Free	$1.25 per ton.
A	607.18	Containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart.	28¢ per ton + additional duties (see headnote 4).	$1.25 per ton + additional duties (see headnote 4).
		Spiegeleisen:		
	607.20	Not containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart.	75¢ per ton	75¢ per ton.
	607.21	Containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart.	75¢ per ton + additional duties (see headnote 4).	75¢ per ton + additional duties. (see headnote 4).
	607.25	Ferronickel	Free	3¢ per lb.
		Ferroalloys:		
		Ferrochromium:		
	607.30	Not containing over 3 percent by weight of carbon	4% ad val	30% ad val.
	607.31	Containing over 3 percent by weight of carbon	0.625¢ per lb. on chromium content.	2.5¢ per lb. on chromium content.
		Ferromanganese:		
A	607.35	Not containing over 1 percent by weight of carbon	0.3¢ per lb. on manganese content +2% ad val.	1.875¢ per lb. on manganese content +15% ad val.
A	607.36	Containing over 1 percent but not over 4 percent by weight of carbon.	0.46¢ per lb. on manganese content.	1.875¢ per lb. on manganese content.
A	607.37	Containing over 4 percent by weight of carbon	0.3¢ per lb. on manganese content.	1.875¢ per lb. on manganese content.
	607.40	Ferromolybdenum	10¢ per lb. on molybdenum content +3% ad val.	50¢ per lb. on molybdenum content +15% ad val.
A	607.45	Ferrophosphorus	6% ad val	25% ad val.
		Ferrosilicon:		
	607.50	Containing over 8 percent but not over 60 percent by weight of silicon.	Free	2¢ per lb. on silicon content.
A	607.51	Containing over 60 percent but not over 80 percent by weight of silicon.	0.5¢ per lb. on silicon content.	3¢ per lb. on silicon content.
	607.52	Containing over 80 percent but not over 90 percent by weight of silicon.	1¢ per lb. on silicon content.	4¢ per lb. on silicon content.
	607.53	Containing over 90 percent by weight of silicon	2¢ per lb. on silicon content.	8¢ per lb. on silicon content.
	607.55	Ferrosilicon chromium	10% ad val	25% ad val.
A	607.57	Ferrosilicon manganese	0.46¢ per lb. on manganese content +3.5% ad val.	1.875¢ per lb. on manganese content +15% ad val.
	607.60	Ferrotitanium and ferrosilicon titanium	5% ad val	25% ad val.
	607.65	Ferrotungsten and ferrosilicon tungsten	21¢ per lb. on tungsten content +6% ad val.	60¢ per lb. on tungsten content +25% ad val.
	607.70	Ferrovanadium	6% ad val	25% ad val.
	607.75	Ferrozirconium	6% ad val	25% ad val.
	607.80	Other	5% ad val	25% ad val.

See footnotes at end of table.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Iron or Steel—Continued		
		Sponge iron; iron or steel powders:		
		Sponge iron, including powders thereof:		
	608.02	Not containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart.	Free	$2.25 per ton.
A	608.04	Containing chromium, molybdenum, tungsten, or vanadium in amounts specified in headnote 4 of this subpart.	31¢ per ton + additional duties (see headnote 4).	$2.25 per ton + additional duties (see headnote 4).
		Other powders:		
A	608.05	Other than alloy iron or steel	0.3¢ per lb	0.75¢ per lb.
		Alloy iron or steel:		
A	608.06	Stainless steel powders	0.3¢ per lb	0.75¢ per lb.
A	608.08	Other	9.5% ad val	45% ad val.
A	608.10	Grit and shot, including wire pellets, of iron or steel	0.3¢ per lb	0.75¢ per lb.
		Ingots, blooms, billets, slabs, and sheet bars, all the foregoing of iron or steel:		
		Other than alloy iron or steel:		
	608.15	Valued not over 5 cents per pound	6% ad val	20% ad val.
	608.16	Valued over 5 cents per pound	6% ad val	20% ad val.
	608.18	Alloy iron or steel	8% ad val. + additional duties (see headnote 4).	28% ad val. + additional duties (see headnote 4).
		Forgings of iron or steel, not machined, not tooled, and not otherwise processed after forging:		
A	608.25	Other than alloy iron or steel	6% ad val	25% ad val.
A	608.27	Alloy iron or steel	8% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
		Bars of wrought iron:		
A	608.30	Other than alloy wrought iron	0.5¢ per lb	1.5¢ per lb.
A	608.32	Alloy wrought iron	0.5¢ per lb. +2% ad val. + additional duties (see headnote 4).	1.5¢ per lb. +8% ad val. + additional duties (see headnote 4).
		Bars of steel:		
		Deformed concrete reinforcing bars:		
		Other than alloy steel:		
	608.40	Valued not over 5 cents per pound	7.5% ad val	20% ad val.
	608.41	Valued over 5 cents per pound	7.5% ad val	20% ad val.
	608.42	Alloy steel	9.5% ad val. + additional duties (see headnote 4).	28% ad val. + additional duties (see headnote 4).
		Other bars:		
		Other than alloy steel:		
		Not cold formed:		
		Not coated or plated with metal:		
	608.45	Valued not over 5 cents per pound	7% ad val	20% ad val.
	608.46	Valued over 5 cents per pound	7% ad val	20% ad val.
	608.48	Coated or plated with metal	8% ad val	0.2¢ per lb. +20% ad val.
	608.50	Cold formed	8.5% ad val	0.125¢ per lb. +20% ad val.
	608.52	Alloy steel	10.5% ad val. + additional duties (see headnote 4).	28% ad val. + additional duties (see headnote 4).
		Hollow drill steel:		
		Other than alloy steel:		
	608.60	Valued not over 8 cents per pound	0.18¢ per lb. +5% ad val	0.75¢ per lb. +20% ad val.
	608.61	Valued over 8 cents per pound	7.5% ad val	22% ad val.
	608.62	Alloy steel	9.5% ad val. + additional duties (see headnote 4).	30% ad val. + additional duties (see headnote 4).
		Wire rods of iron or steel:		
		Other than alloy iron or steel:		
		Not tempered, not treated, and not partly manufactured:		
	608.70	Valued not over 4 cents per pound	0.1¢ per lb	0.3¢ per lb.
	608.71	Valued over 4 cents per pound	0.25¢ per lb	0.6¢ per lb.
		Tempered, treated, or partly manufactured:		
	608.73	Valued not over 4 cents per pound	0.2¢ per lb	0.6¢ per lb.
	608.75	Valued over 4 cents per pound	0.375¢ per lb	0.85¢ per lb.
		Alloy iron or steel:		
	608.76	Not tempered, not treated, and not partly manufactured.	0.25¢ per lb. +4% ad val. + additional duties (see headnote 4).	0.6¢ per lb. +8% ad val. + additional duties (see headnote 4).
	608.78	Tempered, treated, or partly manufactured	0.375¢ per lb. +4% ad val. + additional duties (see headnote 4).	0.85¢ per lb. +8% ad val. + additional duties (see headnote 4).

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

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GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Iron or Steel—Continued		
		Plates and sheets of iron or steel, not cut, not pressed, and not stamped to nonrectangular shape (except as provided in item 609.17):		
		Not coated or plated with metal and not clad:		
		Black plate:		
	608.81	Corrugated or crimped	9% ad val	20% ad val.
	608.82	Other	8% ad val	20% ad val.
		Other:		
		Not pickled and not cold rolled:		
	608.84	Other than alloy iron or steel	7.5% ad val	20% ad val.
	608.85	Alloy iron or steel	9.5% ad val. + additional duties (see headnote 4).	28% ad val. + additional duties (see headnote 4).
		Pickled or cold rolled:		
	608.87	Other than alloy iron or steel	8% ad val	0.2¢ per lb. +20% ad val.
	608.88	Alloy iron or steel	10% ad val. + additional duties (see headnote 4).	0.2¢ per lb. +28% ad val. + additional duties (see headnote 4).
	608.89	Clad	12% ad val	30% ad val.
		Coated or plated with metal:		
		Tin plate and tin coated sheets:		
	608.90	Imported for use in the manufacture of maple sap evaporators.	Free	1¢ per lb.
		Other:		
	608.91	Value not over 10 cents per pound	8% ad val	1¢ per lb.
	608.92	Value over 10 cents per pound	0.8¢ per lb	1¢ per lb.
	608.93	Terne plate and terne coated sheets	0.9¢ per lb	1¢ per lb.
		Other:		
		Other than alloy iron or steel:		
	608.94	Valued not over 10 cents per pound	9% ad val	0.2¢ per lb. +20% ad val.
	608.95	Valued over 10 cents per pound	0.1¢ per lb. +8% ad val	0.2¢ per lb. +20% ad val.
	608.96	Alloy iron or steel	11% ad val. + additional duties (see headnote 4).	0.2¢ per lb. +28% ad val. + additional duties (see headnote 4).
		Strip, of iron or steel, not cut, not pressed, and not stamped to nonrectangular shape (except as provided in item 609.17):		
		Other than alloy iron or steel:		
	609.02	Not over 0.01 inch in thickness	6% ad val	25% ad val.
	609.03	Over 0.01 but not over 0.05 inch in thickness	8.5% ad val	25% ad val.
	609.04	Over 0.05 inch in thickness	9.5% ad val	25% ad val.
		Alloy iron or steel:		
	609.06	Not over 0.01 inch in thickness	8% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
	609.07	Over 0.01 but not over 0.05 inch in thickness	10.5% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
	609.08	Over 0.05 inch in thickness	11.5% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
		Plates, sheets, and strip, all the foregoing, of iron or steel, cut, pressed, or stamped to nonrectangular shape (except as provided in item 609.17):		
		Other than alloy iron or steel:		
A	609.12	Valued not over 8 cents per pound	8% ad val	20% ad val.
A	609.13	Valued over 8 cents per pound	8% ad val	20% ad val.
A	609.15	Alloy iron or steel	10% ad val. + additional duties (see headnote 4).	28% ad val. + additional duties (see headnote 4).
	609.17	Plates, sheets, and strip, all the foregoing, of iron or steel, whether or not cut, pressed, or stamped to nonrectangular shape, if electrolytically coated or plated with base metal other than tin, lead, or zinc.	9.5% ad val	45% ad val.
		Wire of iron or steel:		
		Flat wire:		
		Other than alloy iron or steel:		
		Not coated or plated with metal:		
	609.20	Not over 0.01 inch in thickness	6% ad val	25% ad val.
	609.21	Over 0.01 inch but not over 0.05 inch in thickness.	8% ad val	25% ad val.
	609.22	Over 0.05 inch in thickness	8% ad val	25% ad val.
		Coated or plated with metal:		
	609.25	Not over 0.01 inch in thickness	0.05¢ per lb. +6% ad val	0.2¢ per lb. +25% ad val.
	609.26	Over 0.01 inch but not over 0.05 inch in thickness.	0.05¢ per lb. +8% ad val	0.2¢ per lb. +25% ad val.
	609.27	Over 0.05 inch in thickness	0.05¢ per lb. +8% ad val	0.2¢ per lb. +25% ad val.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

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GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Iron or Steel—Continued		
		Wire of iron or steel—Continued		
		Flat wire—Continued		
		Alloy iron or steel:		
		Not coated or plated with metal:		
	609.30	Not over 0.01 inch in thickness	8% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
	609.31	Over 0.01 inch but not over 0.05 inch in thickness.	10% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
	609.32	Over 0.05 inch in thickness	10% ad val. + additinal duties (see headnote 4).	33% ad val. + additioal duties (see headnote 4).
		Coated or plated with metal:		
	609.35	Not over 0.01 inch in thickness	0.05¢ per lb. +8% ad val. + additional duties (see headnote 4).	0.2¢ per lb. +33% ad val. + additional duties (see headnote 4).
	609.36	Over 0.01 inch but not over 0.05 inch in thickness.	0.05¢ per lb. +10% ad val. + additional duties (see headnote 4).	0.2¢ per lb. +33% ad val. + additional duties (see headnote 4).
	609.37	Over 0.05 inch in thickness	0.05¢ per lb. +10% ad val. + additional duties (see headnote 4).	0.2¢ per lb. +33% ad val. + additional duties (see headnote 4).
		Round wire:		
		Other than alloy iron or steel:		
	609.40	Under 0.060 inch in diameter	8.5% ad val	25% ad val.
		0.060 inch or more in diameter:		
	609.41	Containing not over 0.25 percent by weight of carbon.	0.3¢ per lb	1.25¢ per lb.
	609.43	Containing over 0.25 percent by weight of carbon.	8.5% ad val	25% ad val.
	609.45	Alloy iron or steel	10.5% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
		Other wire:		
		Other than alloy iron or steel:		
	609.70	Not coated or plated with metal	9% ad val	25% ad val.
	609.72	Coated or plated with metal	0.05¢ per lb. +9% ad val	0.2¢ per lb. +25% ad val.
		Alloy iron or steel:		
	609.75	Not coated or plated with metal	11% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
	609.76	Coated or plated with metal	0.05¢ per lb. +11% ad val. + additional duties (see headnote 4).	0.2¢ per lb. +33% ad val. + additional duties (see headnote 4).
		Angles, shapes, and sections, all the foregoing, of iron or steel, hot rolled, forged, extruded, or drawn, or cold formed or cold finished, whether or not drilled, punched, or otherwise advanced; sheet piling of iron or steel:		
		Angles, shapes, and sections:		
		Hot rolled; or, cold formed and weighing over 0.29 pound per linear foot:		
		Not drilled, not punched, and not otherwise advanced:		
	609.80	Other than alloy iron and steel	0.1¢ per lb	0.2¢ per lb.
	609.82	Alloy iron or steel	0.1¢ per lb. +2% ad val. + additional duties (see headnote 4).	0.2¢ per lb. +8% ad val. + additional duties (see headnote 4).
		Drilled, punched, or otherwise advanced:		
	609.84	Other than alloy iron or steel	6.5% ad val	20% ad val.
	609.86	Alloy iron or steel	8.5% ad val. + additional duties (see headnote 4).	28% ad val. + additional duties (see headnote 4).
		Cold formed and weighing not over 0.29 pound per linear foot:		
A	609.88	Other than alloy iron or steel	7.5% ad val	20% ad val.
A	609.90	Alloy iron or steel	9.5% ad val. + additional duties (see headnote 4).	28% ad val. + additional duties (see headnote 4).
		Sheet piling:		
	609.96	Other than alloy iron or steel	0.1¢ per lb	0.2¢ per lb.
	609.98	Alloy iron or steel	0.1¢ per lb. +2% ad val. + additional duties (see headnote 4).	0.2¢ per lb. +8% ad val. + additional duties (see headnote 4).
		Rails, joint bars, and tie plates, all the foregoing of steel:		
		Rails:		
	610.20	Other than alloy steel	0.05¢ per lb	0.1¢ per lb.
	610.21	Alloy steel	0.05¢ per lb. +4% ad val. + additional duties (see headnote 4).	0.1¢ per lb. +8% ad val. + additional duties (see headnote 4).
		Joint bars and tie plates:		
	610.25	Other than alloy steel	0.125¢ per lb	0.25¢ per lb.
	610.26	Alloy steel	0.125¢ per lb. +4% ad val. + additional duties (see headnote 4).	0.25¢ per lb. +8% ad val. + additional duties (see headnote 4).

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued
[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Iron or Steel—Continued		
		Pipes and tubes and blanks therefor, all the foregoing of iron (except cast iron) or steel:		
		Welded, jointed, or seamed, with walls not thinner than 0.065 inch, and of circular cross section:		
		Other than alloy iron or steel:		
	610.30	Under 0.25 inch in outside diameter	0.875¢ per lb	1.75¢ per lb.
	610.31	0.25 inch or more but under 0.375 inch in outside diameter.	0.625¢ per lb	1.25¢ per lb.
	610.32	0.375 inch or more in outside diameter	0.3¢ per lb	0.75¢ per lb.
		Alloy iron or steel:		
	610.35	Under 0.25 inch in outside diameter	0.875¢ per lb. +4% ad val. + additional duties (see headnote 4).	1.75¢ per lb. +8% ad val. + additional duties (see headnote 4).
	610.36	0.25 inch or more but under 0.375 inch in outside diameter.	0.625¢ per lb. +4% ad val. + additional duties (see headnote 4).	1.25¢ per lb. +8% ad val. + additional duties (see headnote 4).
	610.37	0.375 inch or more in outside diameter	0.3¢ per lb. +4% ad val. + additional duties (see headnote 4).	0.75¢ per lb. +8% ad val. + additional duties (see headnote 4).
		Other:		
		Steel pipe conforming to the A.P.I. specifications for oil well casing and steel pipes and tubes of rectangular cross section, whether welded or seamless, having a wall thickness not less than 0.156 inch:		
		Not threaded and not otherwise advanced:		
	610.39	Other than alloy steel	0.1¢ per lb	0.2¢ per lb.
	610.40	Alloy steel	0.1¢ per lb. +4% ad val. + additional duties (see headnote 4).	0.2¢ per lb. +8% ad val. + additional duties (see headnote 4).
		Threaded or otherwise advanced:		
	610.42	Other than alloy steel	7.5% ad val	20% ad val.
	610.43	Alloy steel	11% ad val. + additional duties (see headnote 4).	28% ad val. + additional duties (see headnote 4).
		Other:		
		Suitable for use in the manufacture of ball or roller bearings:		
	610.45	Other than alloy iron or steel	11% ad val	25% ad val.
	610.46	Alloy iron or steel	13% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
		Not suitable for use in the manufacture of ball or roller bearings:		
		Other than alloy iron or steel:		
	610.48	Hollow bars	11% ad val	22% ad val.
	610.49	Other	10.5% ad val	25% ad val.
		Alloy iron or steel:		
	610.51	Hollow bars	13% ad val. + additional duties (see headnote 4).	30% ad val. + additional duties (see headnote 4).
	610.52	Other	13% ad val. + additional duties (see headnote 4).	35% ad val. + additional duties (see headnote 4).
		Cast iron pipes and tubes:		
A	610.56	Other than alloy cast iron	10% ad val	25% ad val.
A	610.58	Alloy cast iron	12% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
		Pipe and tube fittings, of iron or steel:		
		Cast-iron fittings, not malleable:		
		For cast-iron pipe:		
A	610.62	Cast iron, other than alloy cast iron	10% ad val	25% ad val.
A	610.63	Alloy cast iron	12% ad val. + additional duties (see headnote 4).	33% ad val. + additional duties (see headnote 4).
		Not for cast-iron pipe:		
A	610.65	Cast iron, other than alloy cast iron	3% ad val	20% ad val.
A	610.66	Alloy cast iron	5% ad val. + additional duties (see headnote 4).	28% ad val. + additional duties (see headnote 4).
		Cast-iron fittings, malleable:		
		Not advanced in condition by operations or processes subsequent to the casting process:		
A	610.70	Cast iron, other than alloy cast iron	8% ad val	20% ad val.
A*	610.71	Alloy cast iron	10% ad val. + additional duties (see headnote 4).	28% ad val. + additional duties (see headnote 4).
A	610.74	Advanced in condition by operations or processes subsequent to the casting process..	11% ad val	45% ad val.
A	610.80	Other fittings	11% ad val	45% ad val.
	610.81	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2

Subpart C—Copper[4]

Subpart C headnotes:

1. This subpart covers copper, its alloys, and their so-called basic shapes and forms, and in addition covers copper waste and scrap.

2. For the purposes of the tariff schedules, the following terms have the meanings indicated:

(a) *Alloys of copper:* Copper-base alloys or metals in which the copper content is, by weight, less than 99.3 percent, but not less than any other metallic element. For the purposes of this subpart—

(i) *nickel silver* is an alloy of copper which contains by weight 5 percent or more of zinc and 5 percent or more of nickel, with or without small quantities of other elements;

(ii) *brass* is an alloy of copper (not including nickel silver) in which zinc is the principal alloying element, with or without small quantities of other elements;

(iii) *cupro-nickel* is an alloy of copper in which nickel is the principal alloying element and which does not contain by weight over 2 percent of any other single element.

In the absence of context which requires otherwise, the term "copper", wherever used in the tariff schedules, includes alloys of copper.

(b) *Master alloys:* Alloys of copper with other materials in any proportion, not usefully malleable and commonly used as raw material in the manufacture of other alloys or as de-oxidants, de-sulphurizing agents or for similar uses in the metallurgy of non-ferrous metals. For the purposes of this subpart—

(i) *manganese copper* is a master alloy which contains copper and manganese, in which the manganese content ranges by weight from 5 to 45 percent, with copper the balance; and

(ii) *phosphor copper* is a master alloy which contains phosphorus and copper, in which the phosphorus content ranges by weight from 5 to 16 percent, with copper the balance.

3. For the purposes of this subpart, the following terms have the meanings indicated:

(a) *Bars and plate:* Products of solid rectangular cross section over 0.188 inch in thickness, in coils or cut to length, whether or not corrugated or crimped. Bars are not over 12 inches in width and plates are over 12 inches in width.

(b) *Sheets and strips:* Products of solid rectangular cross section not over 0.188 inch but over 0.006 inch in thickness, in coils or cut to length, whether or not corrugated or crimped. Sheets are over 20 inches in width; strips are not over 20 inches in width and do not include flat wire, as defined in (d) below.

(c) *Rods:* Products of round, half-round, quarter-round, oval, half-oval, triangular, pentagonal, hexagonal, octagonal, or decagonal solid cross section, in straight lengths or in coils, and which if in coils are over 0.375 inch in maximum cross-sectional dimension.

(d) *Wire:* A nontubular product of any cross-sectional configuration, which if flat is in coils or straight lengths, not over 1.25 inches in width, not over 0.188 inch in thickness, and has all surfaces rolled or drawn, and which if not flat is not over 0.375 inch in maximum cross-sectional dimension and is in coils.

(e) *Angles, shapes, and sections:* Products which do not conform completely to the respective definitions set forth in this headnote for bars, plates, sheets, strip, rods, or wire, and do not include any tubular products.

4. For the purposes of this subpart, any continuous cast product, whether or not machined or otherwise processed, which is substantially comparable to, and suitable for the same general purposes as, a wrought product provided for in this subpart shall be classified under the same provision and at the same rate as such wrought product, notwithstanding the provisions of headnotes 3(a) and 3(c) of this part.

See footnotes at end of table.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2

Subpart C—Copper [1]—Continued

Subpart C headnotes—Continued

5. *Determination of market price of copper for rate of duty purposes.*—(a) In this subpart, column 1 of the Rates of Duty columns has been divided into two columns, viz., 1-a, and 1-b. The rates of duty in column 1-a apply when the market price of copper is 24 cents or more per pound, and the rates of duty in column 1-b apply when the market price of copper is under 24 cents per pound.

(b) For the purposes of the provisions of items 602.28, 602.30, and 603.49 through 603.55 in part 1 of this schedule relating to copper-bearing materials, and of the provisions of this subpart, the market price of copper is the average market price per pound for one calendar month of electrolytic copper in standard shapes and sizes, delivered Connecticut Valley, as determined by the United States Tariff Commission and reported to the Secretary of the Treasury in accordance with procedures set forth below.

(c) The market price of copper, as defined above, shall be considered to be below 24 cents per pound only on and after the 20th day after the date of a report by the United States Tariff Commission to the Secretary of the Treasury that it has determined that the said market price has been below 24 cents per pound for one calendar month.

(d) After any report by the United States Tariff Commission to the Secretary of the Treasury as provided for in (b) above, the said market price shall be considered as not being below 24 cents per pound only on and after the 20th day after the date of a report by the said Commission to the said Secretary that it has determined that the said market price has been 24 cents or more per pound for one calendar month.

(e) Determinations by the said Commission of the market price of electrolytic copper shall be based upon sources commonly resorted to by the buyers of copper in the usual channels of commerce, including, but not limited to, quotations of the market price for electrolytic copper, in standard shapes and sizes, delivered Connecticut Valley, reported by the Engineering and Mining Journal's "Metal and Mineral Markets".

6. The deductions provided for in headnote 4(b) of part 1 of this schedule shall apply to cement copper and copper precipitates (item 612.02) subject to the conditions specified in headnote 4 of said part 1.

GSP	Item	Articles	Rates of duty		
			1-a	1-b	2
		Unwrought copper:			
A*	612.02	Cement copper and copper precipitates.	0.8¢ per lb. on copper content (see headnote 6).	1¢ per lb. on copper content (see headnote 6).	4¢ per lb. on copper content (see headnote 6).
A*	612.03	Black copper, blister copper, and anode copper.	0.8¢ per lb. on 99.6% of the copper content.	1¢ per lb. on 99.6% of the copper content.	4¢ per lb. on 99.6% of the copper content.
A	612.05	Nickel silver	0.8¢ per lb. on copper content +5% ad val.	1¢ per lb. on copper content +5% ad val.	4¢ per lb. on copper content +20% ad val.
A*	612.06	Other	0.8¢ per lb. on copper content.	1¢ per lb. on copper content.	4¢ per lb. on copper content.
		Copper waste and scrap:			
A	612.08	Nickel silver	0.8¢ per lb. on 99.6% of the copper content +5% ad val.	1¢ per lb. on 99.6% of the copper content +5% ad val.	4¢ per lb. on 99.6% of the copper content +20% ad val.
A	612.10	Other	0.8¢ per lb. on 99.6% of the copper content.	1¢ per lb. on 99.6% of the copper content.	4¢ per lb. on 99.6% of the copper content.
	612.11	If the product of Cuba (except alloy waste and scrap).	Free (s)	Free(s)	
		Master alloys:			
A*	612.15	Phosphor-copper	0.8¢ per lb. on copper content +1.5¢ per lb.	1¢ per lb. on copper content +1.5% per lb.	4¢ per lb. on copper content +3¢ per lb.
A	612.17	Manganese-copper	0.6¢ per lb. +6% ad val	0.75¢ per lb. +6% ad val	3¢ per lb. +25% ad val.
A	612.20	Other	0.6¢ per lb. +10% ad val	0.75¢ per lb. +10% ad val.	3¢ per lb. +25% ad val.

See footnotes at end of table.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty		
			1-a	1-b	2
		Subpart C—Continued			
		Bars, plates, sheets, and strips, all the foregoing which are wrought, of copper, whether or not cut, pressed, or stamped to nonrectangular shapes:			
		Not cut, pressed, or stamped to nonrectangular shape:			
		Copper, other than alloys of copper:			
A	612.30	Clad plates and sheets	0.6¢ per lb.+12% ad val	0.75¢ per lb.+12% ad val	3¢ per lb. +30% ad val.
		Other:			
A	612.31	Bars and sheets; and strips in coils.	1.4¢ per lb.	1.625¢ per lb.	6.5¢ per lb.
A	612.32	Plates, and strips in straight lengths.	0.6¢ per lb. +11% ad val.	0.75¢ per lb. +11% ad val.	3¢ per lb. +45% ad val.
		Nickel silver:			
A	612.34	Clad plates and sheets	0.6¢ per lb.+12% ad val	0.75¢ per lb.+12% ad val	3¢ per lb.+30% ad val.
		Other:			
A	612.35	Bars, sheets, and strips.	0.8¢ per lb. on copper content+15% ad val.	1¢ per lb. on copper content+15% ad val.	4¢ per lb. on copper content+30% ad val.
A	612.36	Plates	0.6¢ per lb. +11% ad val.	0.75¢ per lb.+11% ad val	3¢ per lb.+45% ad val.
		Brass:			
A	612.38	Clad plates and sheets	0.6¢ per lb.+12% ad val	10.75¢ per lb. +12% ad val.	3¢ per lb. +30% ad val.
A	612.39	Other	0.8¢ per lb. on copper content+1¢ per lb.	1¢ per lb. on copper content+1¢ per lb.	4¢ per lb. on copper content +4¢ per lb.
		Cupro-nickel:			
A	612.40	Clad plates and sheets	0.6¢ per lb.+12% ad val	0.75¢ per lb.+12% ad val	3¢ per lb. +30% ad val.
A	612.41	Other	0.6¢ per lb. +11% ad val.	0.75¢ per lb.+11% ad val	3¢ per lb. +45% ad val.
		Other:			
A	612.43	Clad plates and sheets	0.6¢ per lb.+12% ad val	0.75¢ per lb.+12% ad val	3¢ per lb. +30% ad val.
		Other:			
A	612.44	Bars and sheets	0.8¢ per lb. on copper content+1¢ per lb.	1¢ per lb. on copper content+1¢ per lb.	4¢ per lb. on copper content+4¢ per lb.
A	612.45	Plates and strips	0.6¢ per lb.+7.5% ad val.	0.75¢ per lb.+7.5% ad val.	3¢ per lb. +45% ad val.
		Cut, pressed, or stamped to nonrectangular shape:			
A	612.50	Copper, other than alloys of copper; nickel silver and cupro-nickel.	0.6¢ per lb.+11% ad val	0.75¢ per lb.+11% ad val	3¢ per lb. +45% ad val.
A	612.52	Other	0.6¢ per lb.+7.5% ad val.	0.75¢ per lb.+7.5% ad val.	3¢ per lb. +45% ad val.
		Copper powders and flakes:			
A	612.55	Flakes	5.6¢ per lb.	5.75¢ per lb.	17¢ per lb.
A	612.56	Powders	0.6¢ per lb. +8.5% ad val	0.75¢ per lb. +8.5% ad val.	3¢ per lb. +45% ad val.
		Wrought rods, of copper:			
A	612.60	Copper, other than alloys of copper.	1.4¢ per lb.	1.6¢ per lb.	6.5¢ per lb.
A	612.61	Nickel silver	0.8¢ per lb. on copper content+15% ad val.	1¢ per lb. on copper content+15% ad val.	4¢ per lb. on copper content+30% ad val.
A	612.62	Brass	0.8¢ per lb. on copper content+1¢ per lb.	1¢ per lb. on copper content+1¢ per lb.	4¢ per lb. on copper content+4¢ per lb.
A	612.63	Cupro-nickel	0.6¢ per lb. +11% ad val.	0.75¢ per lb. +11% ad val.	3¢ per lb. +45% ad val.
A	612.64	Other	0.8¢ per lb. on copper content+1¢ per lb.	1¢ per lb. on copper content+1¢ per lb.	4¢ per lb. on copper content+4¢ per lb.
		Wire, of copper:			
		Nickel silver:			
A*	612.70	Not metal coated or plated	0.8¢ per lb. on copper content+15% ad val.	1¢ per lb. on copper content+15% ad val.	4¢ per lb. on copper content+30% ad val.
A	612.71	Metal coated or plated	0.8¢ per lb. on copper content +0.05¢ per lb.+a15% ad val.	1¢ per lb. on copper content +0.05¢ per lb.+15% ad val.	4¢ per lb. on copper content+0.2¢ per lb.+30% ad val.
		Other:			
A*	612.72	Not metal coated or plated	0.8¢ per lb. on copper content+6% ad val.	1¢ per lb. on copper content+6% ad val.	4¢ per lb. on copper content+25% ad val.
A	612.73	Metal coated or plated	0.8¢ per lb. on copper content +0.05¢ per lb.+6% ad val.	1¢ per lb. on copper content +0.05¢ per lb.+6% ad val.	4¢ per lb. on copper content +0.2¢ per lb. +25% ad val.
		Angles, shapes and sections, all the foregoing which are wrought, of copper:			
A	612.80	Copper, other than alloys of copper; nickel silver and cupro-nickel.	0.6¢ per lb. +11% ad val.	0.75¢ per lb. +11% ad val.	3¢ per lb. +45% ad val.
A	612.81	Brass angles and channels	0.8¢ per lb. on copper content+3¢ per lb.	1¢ per lb. on copper content +3¢ per lb.	4¢ per lb. on copper content+12¢ per lb.
A	612.82	Other	0.6¢ per lb. +7.5% ad val.	0.75¢ per lb.+7.5% ad val.	3¢ per lb.+45% ad val.

See footnotes at end of table.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty		
			1-a	1-b	2
		Subpart C—Continued			
		Pipes and tubes and blanks therefor, pipe and tube fittings, all the foregoing of copper:			
		Pipes and tubes and blanks therefor:			
		Copper, other than alloys of copper:			
A	613.02	Seamless	2.6¢ per lb.	2.75¢ per lb.	11¢ per lb.
A	613.03	Brazed	3¢ per lb.	3.2¢ per lb.	15¢ per lb.
A	613.04	Other	0.6¢ per lb.+11% ad val.	0.75¢ per lb. +11% ad val.	3¢ per lb.+45% ad val.
A	613.06	Nickel silver	0.6¢ per lb. +11% ad val.	0.75¢ per lb. +11% ad val.	3¢ per lb. +45% ad val.
A	613.08	Cupro-nickel	0.6¢ per lb. +7.5% ad val.	0.75¢ per lb. +7.5% ad val.	3¢ per lb. +45% ad val.
		Other:			
A	613.10	Seamless	0.8¢ per lb. on copper content+1¢ per lb.	7.5¢ per lb. on copper content+1¢ per lb.	4¢ per lb. on copper content+8¢ per lb.
A	613.11	Brazed	0.8¢ per lb. on copper content+3¢ per lb.	1¢ per lb. on copper content+3¢ per lb.	4¢ per lb. on copper content+12¢ per lb.
A	613.12	Other	0.6¢ per lb. +7.5% ad val.	0.75¢ per lb.+7.5% ad val.	3¢ per lb.+45% ad val.
		Fittings:			
A	613.15	Copper, other than alloys of copper; nickel silver and cupro-nickel.	0.6¢ per lb. +11% ad val.	0.75¢ per lb. +11% ad val.	3¢ per lb.+45% ad val.
A	613.16	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	Free	
A*	613.18	Other	0.6¢ per lb. +7.5% ad val	0.75% per lb.+7.5% ad val.	3¢ per lb.+45% ad val.
A	613.19	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	Free	

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart D—Aluminum		

Subpart D headnotes:

1. This subpart covers aluminum, its alloys, and their so-called basic shapes and forms and also covers aluminum waste and scrap.

2. *Alloys of aluminum:* For the purposes of the tariff schedules, alloys of aluminum are metals in which the aluminum content is, by weight, less than 99.0 percent, but not less than any other metallic element. *Aluminum silicon* is an alloy of aluminum containing not less than 25 percent of silicon. In the absence of context which requires otherwise, the term "aluminum", wherever used in the tariff schedules, includes alloys of aluminum.

3. For the purposes of this subpart, the following terms have the meanings indicated:

(a) *Bars:* Products of solid rectangular cross section, 0.25 inch or more in thickness and over 0.375 inch but not over 12 inches in width, in coils or cut to length; and products of solid hexagonal or octagonal cross section, 0.375 inch or more in thickness (measuring the perpendicular distance between opposite faces) in coils, or of any thickness in straight lengths.

(b) *Rods:* Products of solid round cross section, which, if 0.375 inch or more in diameter, are in coils or cut to length, and which, if under 0.375 inch in diameter, are in straight lengths.

(c) *Plates, sheets, and strips:* Products of solid rectangular cross section, in coils or cut to length, whether or not corrugated or crimped. Plates are 0.25 inch or more in thickness and over 12 inches in width; sheets and strip are under 0.25 but not under 0.006 inch in thickness.

(d) *Wire:* A product of solid round, rectangular, hexagonal, or octagonal cross section, in coils, whose diameter, width, or perpendicular distance between opposite faces is less than 0.375 inch.

See footnotes at end of table.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart D—Aluminum—Continued		
		Subpart D headnotes—Continued		
		(e) *Angles, shapes, and sections:* Products which do not conform completely to the respective definitions set forth in this headnote for bars, plates, sheets, strips, rods, or wire and do not include any tubular products.		
		Unwrought aluminum:		
	618.01	Of uniform cross-section throughout its length, the least cross-sectional dimension of which is not greater than 0.375 inch, in coils.	1.2¢ per lb	7¢ per lb.
		Other:		
	618.02	Aluminum other than alloys of aluminum	1¢ per lb	4¢ per lb.
		Alloys of aluminum:		
	618.04	Aluminum silicon	1¢ per lb	5¢ per lb.
	618.06	Other	1¢ per lb	4¢ per lb.
A	618.10	Aluminum waste and scrap[3]	0.7¢ per lb	4¢ per lb.
A	618.15	Wrought rods of aluminum	2¢ per lb	7¢ per lb.
A	618.17	Angles, shapes, and sections, all the foregoing which are wrought, of aluminum.	9.5% ad val	45% ad val.
		Aluminum wire:		
A	618.20	Not coated or plated with metal	6% ad val	25% ad val.
A	618.22	Coated or plated with metal	0.05¢ per lb. +6% ad val	0.2¢ per lb.+25% ad val.
		Bars, plates, sheets, and strip, all the foregoing which are wrought, of aluminum, whether or not cut, pressed, or stamped to nonrectangular shapes:		
A	618.25	Not clad	2¢ per lb	7¢ per lb.
		Clad:		
A	618.27	Wholly of aluminum	2¢ per lb	7¢ per lb.
A	618.29	Other	12% ad val	30% ad val.
		Aluminum powders and flakes:		
A	618.40	Flakes	2.5¢ per lb	12¢ per lb.
A	618.42	Powders	9.5% ad val	45% ad val.
		Pipes and tubes and blanks therefor, pipe and tube fittings, all the foregoing of aluminum:		
	618.45	Hollow cast extrusion ingots	0.6¢ per lb	4¢ per lb.
A	618.47	Other	9.5% ad val	45% ad val.
	618.48	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Subpart E—Nickel		
		Subpart E headnotes:		
		1. This subpart covers nickel, its alloys, their so-called basic shapes and forms, and also includes nickel waste and scrap.		
		2. *Alloys of nickel:* For the purposes of the tariff schedules, alloys of nickel are metals in which the nickel content is, by weight, less than 99.0 percent, but not less than any other metallic element. In the absence of context which requires otherwise, the term "nickel", wherever used in the tariff schedules, includes alloys of nickel.		
		3. For the purposes of this subpart, the following terms have the meanings indicated:		
		(a) *Bars and plates:* Products of solid rectangular cross section over 0.25 inch in thickness, in coils or cut to length. Bars are not over 12 inches in width and plates are over 12 inches in width.		
		(b) *Sheets and strips:* Products of solid rectangular cross section not over 0.25 inch but over 0.006 inch in thickness, in coils or cut to length, whether or not corrugated or crimped. Sheets are over 14 inches in width; strips are over 0.5 inch but not over 14 inches in width.		
		(c) *Rods:* Products of solid round, hexagonal or octagonal cross section which if over 0.375 inch in maximum cross-sectional dimension are in coils or cut to length, and which if not over 0.375 inch in maximum cross-sectional dimension are in straight lengths.		
		(d) *Wire:* A non-tubular product of any cross-sectional configuration, which if flat is in coils or straight lengths, not over 0.25 inch in thickness and not over 0.5 inch in width, and which if not flat is not over 0.375 inch in maximum cross-sectional dimension and is in coils.		
		(e) *Angles, shapes, and sections:* Products which do not conform completely to the respective definitions set forth in this headnote for bars, plates, sheets, strips, rods, or wire and do not include any tubular products.		

See footnotes at end of table.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Subpart E—Nickel—Continued		
		Unwrought nickel; nickel waste and scrap:		
	620.03	Unwrought nickel	Free	3¢ per lb.
	620.04	Nickel waste and scrap	Free	3¢ per lb.
		Bars, plates, sheets, and strip, all the foregoing wrought, of nickel, whether or not cut, pressed, or stamped to nonrectangular shapes:		
		Not cut, not pressed, and not stamped to nonrectangular shapes:		
A*	620.08	Plates and sheets, clad	12% ad val	30% ad val.
		Other:		
A	620.10	Not cold worked	5% ad val	25% ad val.
A	620.12	Cold worked	7% ad val	35% ad val.
A	620.16	Cut, pressed, or stamped to nonrectangular shapes	9% ad val	45% ad val.
		Rods, angles, shapes, and sections, all the foregoing wrought, of nickel; nickel wire:		
		Rods and wire:		
A	620.20	Not cold worked	5% ad val	25% ad val.
A	620.22	Cold worked	7% ad val	35% ad val.
A	620.26	Angles, shapes, and sections	9% ad val	45% ad val.
		Nickel powders and flakes:		
A	620.30	Flakes	5¢ per lb	14¢ per lb.
	620.32	Powders	Free	3¢ per lb.
		Pipes and tubes and blanks therefor, pipe and tube fittings, all the foregoing, of nickel:		
		Pipes and tubes and blanks therefor:		
A	620.40	Not cold worked	3% ad val	25% ad val.
A	620.42	Cold worked	4% ad val	35% ad val.
A	620.46	Pipe and tube fittings	9% ad val	45% ad val.
	620.47	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	620.50	Electro-plating anodes, wrought or cast, of nickel	5% ad val	25% ad val.
		Subpart F—Tin		
		Subpart F headnotes:		
		1. This subpart covers tin, its alloys, and their so-called basic shapes and forms, and also includes tin waste and scrap.		
		2. *Alloys of tin:* For the purposes of the tariff schedules, alloys of tin are metals in which the tin content is, by weight, less than 99.0 percent, but not less than any other metallic element. In the absence of context which requires otherwise, the term "tin", wherever used in the tariff schedules, includes alloys of tin.		
		3. For the purposes of this subpart, the following terms have the meanings indicated:		
		(a) *Plates, sheets, and strips:* Products of solid rectangular cross section, in coils or cut to length, whether or not corrugated or crimped. Plates are 0.25 inch or more in thickness and over 12 inches in width; sheets and strips are under 0.25 inch but not under 0.006 inch in thickness.		
		(b) *Wire:* A nontubular product of any cross-sectional configuration under 0.25 inch in maximum cross-sectional dimension, in coils.		
		(c) *Bars, rods, angles, shapes, and sections:* Products which do not conform completely to the respective definitions set forth in this headnote for plates, sheets, strips, or wire and do not include any tubular products.		
		Unwrought tin:		
	622.02	Tin other than alloys of tin	Free	Free.
		Alloys of tin:		
	622.04	Containing, by weight, over 5 percent of lead	Free	2.125¢ per lb. on lead content.
	622.06	Other	Free	Free.
	622.10	Tin waste and scrap	Free	Free.
		Plates, sheets, and strips, all the foregoing which are wrought, of tin, whether or not cut, pressed, or stamped to nonrectangular shapes:		
A	622.15	Not clad	6% ad val	45% ad val.
A	622.17	Clad	12% ad val	30% ad val.
		Tin wire:		
A*	622.20	Not coated or plated with metal	6% ad val	25% ad val.
A	622.22	Coated or plated with metal	6% ad val	0.2¢ per lb.+25% ad val.
A	622.25	Bars, rods, angles, shapes, and sections, all the foregoing which are wrought, of tin.	6% ad val	45% ad val.
A*	622.35	Tin powder and flakes	6% ad val	45% ad val.
A	622.40	Pipes and tubes and blanks therefor, pipe and tube fittings, all the foregoing of tin.	6% ad val	45% ad val.

See footnotes at end of table.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

Subpart G—Lead

Subpart G headnotes:

1. This subpart covers lead, its alloys, and their so-called basic shapes and forms, and also includes lead waste and scrap.

2. *Alloys of lead:* For the purposes of the tariff schedules, alloys of lead are metals in which the lead content is, by weight, less than 99.0 percent, but not less than any other metallic element. In the absence of context which requires otherwise, the term "lead", wherever used in the tariff schedules, includes alloys of lead.

3. For the purposes of this subpart, the following terms have the meanings indicated:

(a) *Plates, sheets, and strips:* Products of solid rectangular cross section, in coils or cut to length, whether or not corrugated or crimped. Plates are 0.25 inch or more in thickness and over 12 inches in width; sheets are under 0.25 inch but not under 0.006 inch in thickness and over 6 inches in width; strips are under 0.25 inch but not under 0.006 inch in thickness and are not over 6 inches in width.

(b) *Wire:* A nontubular product of any cross-sectional configuration under 0.25 inch in maximum cross-sectional dimension, in coils.

(c) *Bars, rods, angles, shapes, and sections:* Products which do not conform completely to the respective definitions set forth in this headnote for plates, sheets, strips, or wire and do not include any tubular products.

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Unwrought lead:[8]		
A*	624.02	Lead bullion	1.0625¢ per lb. on 99.6% of the lead content.	2.125¢ per lb. on 99.6% of the lead content.
	624.03	Other	1.0625¢ per lb. on lead content.	2.125¢ per lb. on lead content.
A	624.04	Lead waste and scrap[8]	1.0625¢ per lb. on 99.6% of the lead content.	2.125¢ per lb. on 99.6% of the lead content.
		Plates, sheets, and strips, all the foregoing which are wrought, of lead, whether or not cut, pressed, or stamped to nonrectangular shapes:		
		Not cut, not pressed, and not stamped to nonrectangular shapes:		
		Plates and sheets:		
		Not clad:		
A	624.10	Other than alloys of lead	1.3125¢ per lb	2.375¢ per lb.
		Of alloys of lead:		
A	624.12	Valued not over 13⅓ cents per pound	0.75¢ per lb	6¢ per lb.
A	624.14	Valued over 13⅓ cents per pound	5.5% ad val	45% ad val.
A	624.16	Clad	12% ad val	30% ad val.
		Strips:		
A	624.18	Valued not over 13⅓ cents per pound	0.7¢ per lb	6¢ per lb.
A	624.20	Valued over 13⅓ cents per pound	5.5% ad val	45% ad val.
		Cut, pressed, or stamped to nonrectangular shapes:		
A	624.22	Valued not over 13⅓ cents per pound	0.75¢ per lb	6¢ per lb.
A	624.24	Valued over 13⅓ cents per pound	5.5% ad val	45% ad val.
		Bars, rods, angles, shapes, and sections, all the foregoing which are wrought, of lead; lead wire:		
A	624.30	Glazier's lead and lead wire	1.3125¢ per lb	2.375¢ per lb.
		Other:		
A	624.32	Valued not over 13⅓ cents per pound	1.5¢ per lb	6¢ per lb.
A	624.34	Valued over 13⅓ cents per pound	11.25% ad val	45% ad val.
		Lead powder and flakes:		
A	624.40	Valued not over 13⅓ cents per pound	1.5¢ per lb	6¢ per lb.
A*	624.42	Valued over 13⅓ cents per pound	11.25% ad val	45% ad val.
		Pipes and tubes and blanks therefor, pipe and tube fittings, all the foregoing of lead:		
A*	624.50	Of lead other than alloys of lead	1.3125¢ per lb	2.375¢ per lb.
		Of alloys of lead:		
A	624.52	Valued not over 13⅓ cents per pound	0.75¢ per lb	6¢ per lb.
A	624.54	Valued over 13⅓ cents per pound	5.5% ad val	45% ad val.

Subpart H—Zinc

Subpart H headnotes:

1. This subpart covers zinc, its alloys, and their basic shapes and forms, and also includes zinc waste and scrap.

2. *Alloys of zinc:* For the purposes of the tariff schedules, alloys of zinc are metals in which zinc predominates by weight over each of the other metal components, and which contain one or more of the following elements in the quantity by weight, respectively indicated:

over 1.8 percent of any one or more of the metals lead, cadmium, and iron, or over 0.5 percent of aluminum, or over 1.0 percent of copper, or over 0.08 percent of titanium, or over 0.1 percent of any other metallic element.

See footnotes at end of table.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart H—Zinc—Continued		
		Subpart H headnotes—Continued		
		In the absence of context which requires otherwise, the term "zinc", wherever used in the tariff schedules, includes alloys of zinc.		
		3. For the purposes of this subpart, the following terms have the meanings indicated:		
		(a) *Plates, sheets, and strips:* Products of solid rectangular cross section, in coils or cut to length, whether or not corrugated or crimped. Plates are 0.375 inch or more in thickness and over 12 inches in width; sheets and strips are under 0.375 inch but not under 0.006 inch in thickness.		
		(b) *Bars:* Products of solid rectangular, hexagonal, or octagonal cross section, in coils or cut to length, which if rectangular are 0.375 inch or more in thickness but not over 12 inches in width, and which if hexagonal or octagonal are 0.375 inch or more for the perpendicular distance between opposite faces.		
		(c) *Rods:* Products of solid round cross section which if 0.375 inch or more in diameter are in coils or cut to length, and which if under 0.375 inch in diameter are in straight lengths.		
		(d) *Wire:* A product of solid round cross section under 0.375 inch in diameter, in coils.		
		(e) *Angles, shapes, and sections:* Products which do not conform completely to the respective definitions set forth in this headnote for plates, sheets, strips, bars, rods, or wire and do not include any tubular products.		
		Unwrought zinc:[6]		
	626.02	Other than alloys of zinc	0.7¢ per lb	1.75¢ per lb.
	626.04	Alloys of zinc	19% ad val	45% ad val.
	626.10	Zinc waste and scrap[6]	0.75¢ per lb	1.5¢ per lb.
		Plates, sheets, and strip, all the foregoing which are wrought, of zinc, whether or not cut, pressed, or stamped to nonrectangular shapes:		
		Not clad:		
		Other than alloys of zinc:		
		Not cut, not pressed, and not stamped to nonrectangular shapes:		
A	626.15	Rolled in one direction only	9.5% ad val	45% ad val.
		Rolled and cross rolled:		
A	626.17	Not coated or plated with metal	0.5¢ per lb	2¢ per lb.
A	626.18	Coated or plated with metal	0.56¢ per lb	2.25¢ per lb.
A	626.20	Cut, stamped, or pressed to nonrectangular shapes.	9.5% ad val	45% ad val.
A	626.22	Alloys of zinc	9.5% ad val	45% ad val.
A	626.24	Clad	12% ad val	30% ad val.
		Zinc wire:		
A	626.30	Not coated or plated with metal	6% ad val	25% ad val.
A	626.31	Coated or plated with metal	0.05¢ per lb. + 6% ad val	0.2¢ per lb. + 25% ad val.
A	626.35	Bars, rods, angles, shapes and sections, all the foregoing which are wrought, of zinc.	9.5% ad val	45% ad val.
		Zinc powders and flakes:		
	626.40	Dust	0.3¢ per lb	1.75¢ per lb.
A*	626.42	Other	9.5% ad val	45% ad val.
A	626.45	Pipes and tubes and blanks therefor, pipe and tube fittings, all the foregoing of zinc.	9.5% ad val	45% ad val.
		Subpart J—Beryllium, Columbium, Germanium, Hafnium, Indium, Magnesium, Molybdenum, Rhenium, Tanalum, Titanium, Tungsten, Uranium, and Zirconium		
		Subpart J headnotes:		
		1. This subpart covers the metals beryllium, columbium, germanium, hafnium, indium, magnesium, molybdenum, rhenium, tantalum, titanium, tungsten, uranium, and zirconium, and their alloys, unwrought and wrought, and also includes the waste and scrap of these metals.		
		2. *Alloys:* For the purposes of the tariff schedules, alloys of each of the base metals provided for in this subpart are metals in which the content of the respective base metal is, by weight, less than 99.0 percent, but not less than any other metallic element. In the absence of context which requires otherwise, a reference to one of the base metals by name, wherever used in the tariff schedules, includes alloys of such base metal.		
		Beryllium, unwrought and wrought; beryllium waste and scrap:		
A*	628.05	Unwrought, and waste and scrap[7]	8.5% ad val	25% ad val.
A*	628.10	Wrought	9% ad val	45% ad val.
		Columbium, unwrought and wrought; columbium waste and scrap:		
A	628.15	Unwrought, other than alloys; and waste and scrap[7]	5% ad val	25% ad val.

See footnotes at end of table.

PART 2—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORMS—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart J—Beryllium, Columbium, Germanium, Hafnium, Indium, Magnesium, Molybdenum, Rhenium, Tantalum, Titanium, Tungsten, Uranium, and Zirconium—Continued		
		Columbium, unwrought and wrought, etc.—Continued		
	628.17	Unwrought, alloys	7.5% ad val	25% ad val.
A	628.20	Wrought	9% ad val	45% ad val.
		Germanium, unwrought and wrought; germanium waste and scrap:		
A	628.25	Unwrought, and waste and scrap[7]	5% ad val	25% ad val.
A	628.30	Wrought	9% ad val	45% ad val.
		Hafnium, unwrought and wrought; hafnium waste and scrap:		
A	628.35	Unwrought, and waste and scrap[7]	5% ad val	25% ad val.
A*	628.40	Wrought	9% ad val	45% ad val.
		Indium, unwrought and wrought; indium waste and scrap:		
A	628.45	Unwrought, and waste and scrap[7]	5% ad val	25% ad val.
A	628.50	Wrought	9% ad val	45% ad val.
		Magnesium, unwrought and wrought; magnesium waste and scrap:		
A	628.55	Unwrought, other than alloys; and waste and scrap[7]	20% ad val	100% ad val.
	628.57	Unwrought, alloys	8¢ per lb. on magnesium content+4% ad val.	40¢ per lb. on magnesium content+20% ad val.
A	628.59	Wrought	6.5¢ per lb. on magnesium content+3.5% ad val.	40¢ per lb. on magnesium content+20% ad val.
		Molybdenum, unwrought and wrought; molybdenum waste and scrap:		
A	628.70	Waste and scrap[7]	10.5% ad val	50% ad val.
	628.72	Unwrought	10¢ per lb. on molybdenum content +3% ad val.	50¢ per lb. on molybdenum content +15% ad val.
A	628.74	Wrought	12.5% ad val	60% ad val.
		Rhenium, unwrought and wrought; rhenium waste and scrap:		
A	628.90	Unwrought, and waste and scrap[7]	5% ad val	25% ad val.
A	628.95	Wrought	9% ad val	45% ad val.
		Tantalum, unwrought and wrought; tantalum waste and scrap:		
A	629.05	Unwrought, other than alloys; and waste and scrap[7]	5% ad val	25% ad val.
	629.07	Unwrought alloys	7.5% ad val	25% ad val.
A	629.10	Wrought	9% ad val	45% ad val.
		Titanium, unwrought and wrought; titanium waste and scrap:		
	629.15	Unwrought, and waste and scrap[7]	18% ad val	25% ad val.
A	629.20	Wrought	18% ad val	45% ad val.
		Tungsten, unwrought and wrought; tungsten waste and scrap:		
		Waste and scrap:		
A	629.25	Containing by weight not over 50 percent of tungsten.	21¢ per lb. on tungsten content+6% ad val.	60¢ per lb. on tungsten content+25% ad val.
A	629.26	Containing by weight over 50 percent of tungsten	10.5% ad val	50% ad val.
		Unwrought:		
		Other than alloys:		
	629.28	Lumps, grains, and powders	21¢ per lb. on tungsten content+12.5% ad val.	60¢ per lb. on tungsten content+50% ad val.
	629.29	Ingots and shot	10.5% ad val	50% ad val.
	629.30	Other	12.5% ad val	60% ad val.
		Alloys:		
	629.32	Containing by weight not over 50 percent of tungsten.	21¢ per lb. on tungsten content+6% ad val.	60¢ per lb. on tungsten content+25% ad val.
	629.33	Containing by weight over 50 percent of tungsten.	12.5% ad val	60% ad val.
	629.35	Wrought	12.5% ad val	60% ad val.
A	629.50	Uranium, wrought and unwrought; uranium waste and scrap[7].	12.5% ad val	45% ad val.
		Zirconium, wrought and unwrought; zirconium waste and scrap:		
A	629.60	Unwrought, other than alloys; and waste and scrap[7]	6% ad val	25% ad val.
	629.62	Unwrought alloys	7.5% ad val	25% ad val.
A	629.65	Wrought	9% ad val	45% ad val.
		Subpart K—Other Base Metals		
		Subpart K headnotes:		
		1. This subpart covers base metals not provided for in subparts B through J of this part, and their alloys, wrought and unwrought, and also includes the waste and scrap of such base metals. This subpart does not cover ferrocerium and other pyrophoric alloys (see part 9A of schedule 7).		
		2. *Alloys:* For the purposes of the tariff schedules, alloys of each of the base metals provided for in this subpart are metals in which the content of the respective base metal is, by weight, less than 99.0 percent, but not less than any other metallic element. In the absence of context which requires otherwise, a reference to one of the base metals by name, wherever used in the tariff schedules, includes alloys of such base metal.		

See footnotes at end of table.

Part 2—Metals, Their Alloys, and Their Basic Shapes and Forms—Continued

[28 F.R. 8873]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart K—Other Base Metals—Continued		
		Other base metals, unwrought, and waste and scrap of such metals:		
		Other than alloys; and waste and scrap:[7]		
A	632.02	Antimony	1¢ per lb	2¢ per lb.
A	632.04	Arsenic	2¢ per lb	6¢ per lb.
	632.06	Barium	5% ad val	25% ad val.
	632.10	Bismuth	Free	7.5% ad val.
A	632.12	Boron	5% ad val	25% ad val.
	632.14	Cadmium	Free	15¢ per lb.
	632.16	Calcium	7.5% ad val	25% ad val.
A	632.18	Chromium	5% ad val	30% ad val.
	632.20	Cobalt	Free	Free.
	632.24	Gallium	5% ad val	25% ad val.
	632.32	Manganese	1.5¢ per lb. + 10% ad val	1.875¢ per lb.+15% ad val.
A	632.34	Mercury	12.5¢ per lb	25¢ per lb.
	632.38	Rare-earth metals (including scandium and yttrium)	5% ad val	25% ad val.
	632.40	Selenium	Free	Free.
		Silicon:		
A	632.42	Containing by weight not over 99.7 percent of silicon.	2¢ per lb. on silicon content.	8¢ per lb. on silicon content.
	632.43	Containing by weight over 99.7 percent of silicon	5% ad val	25% ad val.
	632.46	Strontium	5% ad val	25% ad val.
	632.48	Tellurium	4% ad val	25% ad val.
	632.50	Thallium	5% ad val	25% ad val.
	632.52	Thorium	6% ad val	25% ad val.
	632.58	Vanadium	5% ad val	25% ad val.
		Alloys of base metals:		
		Alloys of antimony:		
A	632.60	Containing by weight 83 percent or more of antimony.	1¢ per lb	2¢ per lb.
A	632.62	Other	9% ad val	45% ad val.
		Alloys of bismuth:		
	632.64	Containing by weight not less than 30 percent of lead.	Free	2.125¢ per lb. on lead content.
A	632.66	Other	9% ad val	45% ad val.
	632.68	Alloys of barium, boron, calcium, strontium, thorium, or vanadium.	7.5% ad val	25% ad val.
		Alloys of rare-earth metals (including scandium and yttrium):		
	632.78	Alloys wholly or almost wholly of rare-earth metals (misch metal).	50¢ per lb	$2 per lb.
	632.79	Other	50¢ per lb. + 6% ad val	$2 per lb. + 25% ad val.
	632.84	Other alloys, unwrought	9% ad val	45% ad val.
A	633.00	Other base metals, wrought	9% ad val	45% ad val.

See footnotes at end of table.

Amendments

Item 605.07 amended by Pub. L. 89-241, §§ 2(a), 32, Oct. 7, 1965, 79 Stat. 933, 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 608.89, formerly 608.90, so redesignated, and item 608.90 and article description preceding item 608.91 added by Pub. L. 92-151, § 3(a), (c), Nov. 5, 1971, 85 Stat. 418, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Nov. 5, 1971.

Item 609.40. Article description preceding item 609.40, item 609.40, article description preceding item 609.41, and items 609.41 and 609.43 substituted in lieu of struck article descriptions preceding item 609.40 and struck items 609.40 and 609.42 by Pub. L. 89-241, §§ 2(a), 33, Oct. 7, 1965, 79 Stat. 933, 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 610.81 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 613.16 added by Pub. L. 89-283, title IV, §§ 401(a). 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title. Former item 613.16 redesignated 613.18.

Item 613.18, formerly 613.16, so redesignated by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 613.19 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 618.48 added by Pub. L. 89-238, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 620.47 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 790 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Duty-Free Treatment of Certain Nickels After June 30, 1967

Pub. L. 89-204, § 2(b), Sept. 27, 1965, 79 Stat. 839, provided that: "Duty-free treatment with respect to any article provided for in item 607.25, 620.02, or 620.32 of title I of the Tariff Act of 1930 shall not apply after June 30, 1967, except pursuant to a trade agreement which is entered into under the Trade Expansion Act of 1962 [chapter 7 of this title] before July 1, 1967. For purposes of section 201(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C., sec. 1821(a)(2)), in the case of such a trade agreement the duty-free treatment provided by item 911.21, 911.22, or 911.23 of title I of the Tariff Act of 1930 shall be considered as existing duty-free treatment."

Proclamation of Duty Rates for Plates and Sheets of Iron or Steel; Status of Changes; Supersedure of Staged Rates in Annex III to Proc. No. 3822

Pub. L. 92-151, § 3(b), Nov. 5, 19671, 85 Stat. 418, provided that: "The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States for items 608.89, 608.90, 608.91, and 608.92 (as amended by subsection (a)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party. Such rates shall not supersede the staged rates of duties provided for such items in Annex III to Proclamation 3822, dated December 16, 1967, and the reference to item 608.90 in such Annex shall be treated as referring to item 608.89."

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 605.03, 605.05, 605.06, 605.08, 605.27, 605.28, 605.46 to 605.48, 605.60, 605.65, 605.66, 607.01 to 607.04, 607.11, 607.12, 607.15, 607.18, 607.25, 607.30, 607.35 to 607.37, 607.40, 607.45, 607.50 to 607.53, 607.57, 607.60, 607.65, 607.70, 607.75, 607.80, 608.02, 608.04, 608.08, 608.15, 608.16, 608.18, 608.25, 608.27, 608.32, 608.40 to 608.42, 608.46, 608.48, 608.50, 608.52, 608.60 to 608.62, 608.81, 608.84, 608.85, 608.87, 608.88, 608.90, 608.91, 608.93, 608.94, 608.96, 609.06 to 609.08, 609.13, 609.15, 609.17, 609.21, 609.22, 609.25 to 609.27, 609.30 to 609.32, 609.35 to 609.37, 609.45, 609.70, 609.72, 609.75, 609.76, 609.82, 609.84, 609.86, 609.88, 610.43, 610.45, 610.46, 610.51, 610.52, 610.58, 610.63, 610.66, 610.71, 610.74, 610.80, 612.02A, 612.02B, 612.03A, 612.03B, 612.05A, 612.05B, 612.06A, 612.06B, 612.08A, 612.08B, 612.10A, 612.10B, 612.15A, 612.15B, 612.17A, 612.17B, 612.20A, 612.20B, 612.30A, 612.30B, 612.31A, 612.31B, 612.32A, 612.32B, 612.34A, 612.34B, 612.35A, 612.35B, 612.36A, 612.36B, 612.38A, 612.38B, 612.39A, 612.39B, 612.40A, 612.40B, 612.41A, 612.41B, 612.43A, 612.43B, 612.44A, 612.44B, 612.45A, 612.45B, 612.50A, 612.50B, 612.52A, 612.52B, 612.55A, 612.55B, 612.56A, 612.56B, 612.60A, 612.60B, 612.61A, 612.61B, 612.62A, 612.62B, 612.63A, 612.63B, 612.64A, 612.64B, 612.70A, 612.70B, 612.71A, 612.71B, 612.72A, 612.72B, 612.73A, 612.73B, 612.80A, 612.80B, 612.81A, 612.81B, 612.82A, 612.82B, 613.02A, 613.02B, 613.03A, 613.03B, 613.04A, 613.04B, 613.06A, 613.06B, 613.08A, 613.08B, 613.10A, 613.10B, 613.11A, 613.11B, 613.12A, 613.12B, 613.15A, 613.15B, 613.18A, 613.18B, 618.01, 618.02, 618.04, 618.06, 618.10, 618.15, 618.17, 618.20, 618.22, 618.25, 618.27, 618.29, 618.40, 618.42, 618.45, 618.47, 620.03, 620.04, 620.08, 620.10, 620.12, 620.16, 620.20, 620.22, 620.26, 620.30, 620.32, 620.40, 620.42, 620.46, 620.50, 622.04, 622.15, 622.17, 622.20, 622.22, 622.25, 622.35, 622.40, 624.12, 624.14, 624.16, 624.18, 624.20, 624.22, 624.24, 624.52, 624.54, 626.15, 626.17, 626.18, 626.20, 626.22, 626.24, 626.30, 626.31, 626.35, 626.40, 626.42. 626.45, 628.05, 628.10, 628.15, 628.17, 628.20, 628.25, 628.30, 628.35, 628.40, 628.45, 628.50, 628.55, 628.57, 628.59, 628.70, 628.72, 628.74, 628.90, 628.95, 629.05, 629.07, 629.10, 629.15, 629.25, 629.26, 629.28, 629.29, 629.30, 629.32, 629.33, 629.35, 629.50, 629.60, 629.62, 629.65, 632.02, 632.04, 632.06, 632.10, 632.12, 632.14, 632.16, 632.18, 632.24, 632.32, 632.34, 632.38, 632.42, 632.43, 632.46, 632.48, 632.50, 632.52, 632.58, 632.60, 632.62, 632.64, 632.66, 632.68, 632.78, 632.79, 632.84 and 633.00, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 3—METAL PRODUCTS

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 3 headnotes: 1. For the purposes of this part— (a) *"wire"* is deemed to be a base-metal product which conforms to the respective cross-sectional measurements for base-metal wires in part 2, whether or not conforming otherwise to the specifications set forth therein. In the provisions of this part which describe wire in terms of its cross-sectional dimension, the dimension specified is that of such wire without its metal coating, if any. 2. The provisions in this part which specifically refer to kitchen or table ware, or to table, kitchen, or household utensils and articles, include articles of types which are used outdoors as well as those which are used indoors. Subpart A—Metallic Containers *Subpart A headnotes:* 1. The provisions in this subpart for containers include such containers whether or not equipped with fittings such as taps, valves, level gauges, and manometers. This subpart, however, does not include— (i) containers with provision made for circulating heating or cooling fluids between the walls, or with mechanical or thermal equipment such as agitators, heating or cooling coils, or electrical elements (see parts 4 and 5 of this schedule); (ii) luggage, handbags, or flat goods (see part 1D of schedule 7); (iii) furniture (see part 4 of schedule 7); (iv) cases for musical instruments (see part 3B of schedule 7); or (v) articles of precious metal or rolled precious metal, or articles coated or plated with precious metal. 2. General principles with respect to containers are set forth in headnote 6 of the General Headnotes. Special classification provisions relating to substantial containers suitable for reuse are included in parts 1C and 5C of schedule 8.		

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Metallic Containers—Continued		
		Metal pressure containers designed and used for the transport and storage of compressed gases:		
A	640.05	Of stainless steel	7.5% ad val	35% ad val.
A*	640.10	Other	5% ad val	25% ad val.
		Drums, flasks, casks, cans, boxes, lift vans, and other containers (except pressure containers in items 640.05 and 640.10 and collapsible tubes in item 640.40), all the foregoing, of base metal, chiefly used in the packing, transporting, or marketing of goods:		
A	640.20	Of stainless steel	7.5% ad val	35% ad val.
A	640.25	Of aluminum and having a capacity of not over 5 gallons..	9.5% ad val	45% ad val.
A	640.30	Other	5% ad val	25% ad val.
A	640.35	Reservoirs, tanks, vats, and other containers, all the foregoing, of metal, having a capacity over 75 gallons and ordinarily installed as fixtures in industrial plants over elsewhere for storage or manufacturing use.	6.5% ad val	45% ad val.
A	640.40	Collapsible tubes of metal	6% ad val	45% ad val.
		Subpart B—Wire Cordage; Wire Screen, Netting and Fencing; Bale Ties		
		Subpart B headnote: 1. This subpart does not cover— (i) articles of precious metal or rolled precious metal, or articles coated or plated with precious metal; (ii) insulated electric conductors or uninsulated electric conductors specially provided for in part 5 of this schedule; (iii) textile articles of metallic yarns; (iv) reinforced or laminated plastics (see part 12A of schedule 7); (v) asbestos, ceramics, or glass products containing a wire netting (see schedule 5); or (vi) building papers or felts reinforced with wire (see part 4B of schedule 2).		
	642.02	Barbed wire	Free	Free.
		Strands, ropes, cables, and cordage, all the foregoing of wire, whether or not cut to length, and whether or not fitted with hooks, swivels, clamps, clips, thimbles, sockets, or other fittings or made up into slings, cargo nets, or similar articles:		
		Not fitted with fittings and not made up into articles:		
		Not covered with textile or other nonmetallic material:		
		Wire strand:		
A*	642.06	Of nickel	7% ad val	35% ad val.
	642.08	Of stainless steel	10% ad val	45% ad val.
A	642.09	Of copper	7.5% ad val	35% ad val.
	642.11	Other	7.5% ad val	35% ad val.
		Ropes, cables, and cordage other than wire strand:		
	642.12	Valued under 13 cents per pound	0.5¢ per lb	4.5¢ per lb.
		Valued 13 cents or more per pound:		
	642.14	Of stainless steel	6.5% ad val	45% ad val.
A	642.16	Other	4% ad val	35% ad val.
A	642.18	Covered with textile or other nonmetallic material	7.5% ad val	35% ad val.
A	642.20	Fitted with fittings, or made up into articles	9.5% ad val	45% ad val.
	642.21	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Cylinder wires, suitable for use in paper-making machines (whether or not parts of, or fitted or attached to, such machines), and woven-wire cloth suitable for use in the manufacture of Fourdrinier wires or cylinder wires suitable for use in paper-making machines:		
A	642.25	Having more than 55 meshes per lineal inch in warp or filling.	25 ad val	75% ad val.
A	642.27	Other	17.5% ad val	50% ad val.
A	642.30	Fourdrinier wires, seamed or not seamed, suitable for use in paper-making machines (whether or not parts of, or fitted or attached to, such machines).	25% ad val	75% ad val.
	642.35	Galvanized wire fencing wholly of round iron or steel wire measuring not over 0.20 inch and not under 0.075 inch in diameter, whether or not such wire is covered with plastics.	0.1¢ per lb	0.5¢ per lb.

See footnotes at end of table.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Wire Cordage; Wire Screen, Netting and Fencing; Bale Ties—Continued		
		Cloth, gauze, fabric, screen, netting, and fencing, all the foregoing not specially provided for, of wire, whether in rolls, in endless bands, or in lengths, and whether or not cut to shape:		
		Not cut to shape:		
		Woven (but of other than simple warp and weft construction) and composed wholly or in substantial part of wire measuring under 0.075 inch in maximum cross-sectional dimension:		
A	642.45	Coated with metal before weaving	10.5% ad val	50% ad val.
A	642.47	Coated with metal after weaving	12.5% ad val	60% ad val.
		Woven (of simple warp and weft construction):		
		With meshes not finer than 30 wires to the lineal inch in warp or filling:		
		Of stainless steel:		
A	642.50	Valued not over 7.5 cents per square foot.	0.37¢ per sq. ft. + 2.5% ad val.	1¢ per sq. ft. + 10% ad val.
A	642.52	Valued over 7.5 cents per square foot	7.5% ad val	35% ad val.
		Of copper:		
A	642.54	Valued not over 7.5 cents per square foot.	0.37¢ per sq. ft. + 0.6¢ per lb.	1¢ per sq. ft. + 3¢ per lb.
A	642.56	Valued over 7.5 cents per square foot	0.6¢ per lb. + 5% ad val	3¢ per lb. + 25% ad val.
		Other:		
A	642.58	Valued not over 7.5 cents per square foot.	0.37¢ per sq. ft	
A	642.60	Valued over 7.5 cents per square foot	5% ad val	25% ad val.
		With meshes finer than 30 but not finer than 90 wires to the lineal inch in warp or filling:		
		Of stainless steel:		
A	642.62	Valued not over 21.25 cents per square foot.	1¢ per sq. ft. + 2.5% ad val	4.25¢ per sq. ft. + 10% ad val.
A	642.64	Valued over 21.25 cents per square foot	7.5% ad val	50% ad val.
		Of copper:		
A	642.66	Valued not over 21.25 cents per square foot.	1¢ per sq. ft. + 0.6¢ per lb	4.25¢ per sq. ft. + 3¢ per lb.
A	642.68	Valued over 21.25 cents per square foot	0.6¢ per lb. + 5% ad val	3¢ per lb. + 40% ad val.
		Other:		
A	642.70	Valued not over 21.25 cents per square foot.	1.06¢ per sq. ft.	4.25¢ per sq. ft.
A	642.72	Valued over 21.25 cents per square foot	5% ad val	40% ad val.
		With meshes finer than 90 wires to the lineal inch in warp or filling:		
A	642.74	Of stainless steel	15% ad val	60% ad val.
A	642.76	Of copper	0.6¢ per lb. + 12.5% ad val	3¢ per lb. + 50% ad val.
A	642.78	Other	12.5% ad val	50% ad val.
		Other:		
A	642.80	Of iron or steel	9.5% ad val	45% ad val.
A	642.82	Other	8% ad val	45% ad val.
		Cut to shape:		
A	642.85	Of copper	0.6¢ per lb. + 6.5% ad val	3¢ per lb. + 35% ad val.
	642.86	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	642.87	Other	7% ad val	35% ad val.
	642.88	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Bale ties, of iron or steel, with or without buckles or fastenings and whether or not coated with paint or other substance:		
		Made from wire:		
	642.90	Single loop ties, made of round wire over 0.055 but not over 0.082 inch in diameter, and 7.5 or more but not over 10.5 feet in length.	Free	Free.
	642.91	Other	9.5% ad val	45% ad val.
A	642.93	Made from strip	0.02¢ per lb	0.25¢ per lb.
		Milliners' wire and other wire covered with textile or other material not wholly of metal:		
	642.96	Galvanized wire wholly of round iron or steel wire measuring not over 0.20 inch and not under 0.075 inch in diameter, if covered with plastics.	0.25¢ per lb	0.5¢ per lb.
	642.97	Other	8.5% ad val	35% ad val.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Metal Leaf and Foil; Metallics		
		Base metal foil (whether or not embossed, cut to shape, perforated, etched, coated, printed, colored, decorated, or backed with paper or equivalent backing) not over 0.006 inch in thickness (excluding any coating or backing):		
		Not backed and not cut to shape:		
A	644.02	Copper foil	1.5¢ per lb	5.5¢ per lb.
		Aluminum foil:		
A	644.06	Etched capacitor foil	8.5% ad val	40% ad val.
		Other:		
		Not over 0.00035 inch in thickness:		
A	644.08	Valued not over 55 cents per pound	8.8¢ per lb	22¢ per lb.
A	644.09	Valued over 55 cents per pound	10% ad val	40% ad val.
		Over 0.00035 inch in thickness:		
A	644.11	Valued not over 55 cents per pound	4.6¢ per lb	22¢ per lb.
A	644.12	Valued over 55 cents per pound	8.5% ad val	40% ad val.
A	644.15	Tin foil	17.5% ad val	35% ad val.
		Lead foil:		
A	644.17	Valued not over 13⅓ cents per pound	0.75¢ per lb	3¢ per lb.
A	644.18	Valued over 13⅓ cents per pound	5.5% ad val	45% ad val.
A	644.20	Zinc foil	9.5% ad val	45% ad val.
A	644.22	Other foil	9% ad val	45% ad val.
		Cut to shape, but not backed:		
A	644.24	Copper foil	0.6¢ per lb. + 10% ad val	3¢ per lb. + 45% ad val.
A	644.26	Aluminum foil	9.5% ad val	45% ad val.
A	644.28	Lead foil	5.5% ad val	45% ad val.
A	644.30	Zinc foil	9.5% ad val	45% ad val.
A	644.32	Other foil	9% ad val	45% ad val.
		Backed, whether or not cut to shape:		
		Covered or decorated with a character, design, fancy effect, or pattern:		
A	644.36	Copper foil	2.6¢ per lb. + 4% ad val	8¢ per lb. +20% ad val.
A	644.38	Other foil	2¢ per lb. +4% ad val	5¢ per lb. +20% ad val.
		Other:		
A	644.40	Copper foil	1.6¢ per lb. +4% ad val	8¢ per lb. +20% ad val.
A	644.42	Other foil	1¢ per lb. +4% ad val	5¢ per lb. +20% ad val.
		Precious metal leaf, whether unmounted or mounted on paper or equivalent backing:		
		Gold leaf:		
		Unmounted:		
A	644.46	Leaves not over 11.40 square inches in area	41¢ per 100 leaves	82.5¢ per 100 leaves.
A	644.48	Leaves over 11.40 square inches in area	41¢ for each 1,140 sq. in	82.5¢ for each 1,140 sq. in.
A	644.52	Mounted	3.37¢ per 100 sq. in. +12.5% ad val.	6.75¢ per 100 sq. in. +25% ad val.
A	644.56	Silver leaf	2.5¢ per 100 leaves	5¢ per 100 leaves.
A	644.60	Platinum leaf	20% ad val	65% ad val.
		Base metal, in leaf:		
		Aluminum, in leaf:		
		Powder or flakes, in leaf:		
A	644.64	Leaves not over 30.25 square inches in area	3¢ per 100 leaves +5% ad val.	6¢ per 100 leaves +10% ad val.
A	644.68	Leaves over 30.25 square inches in area	3¢ for each 3,025 sq. in. +6% ad val.	6¢ for each 3,025 sq. in. +10% ad val.
		Other:		
A	644.72	Leaves not over 30.25 square inches in area	1.5¢ per 100 leaves	6¢ per 100 leaves.
A	644.76	Leaves over 30.25 square inches in area	1.5¢ for each 3,025 sq. in	6¢ for each 3,025 sq. in.
		Copper, in leaf:		
		Powder or flakes, in leaf:		
A	644.80	Leaves not over 30.25 square inches in area	3¢ per 100 leaves +5% ad val.	6¢ per 100 leaves +10% ad val.
A	644.84	Leaves over 30.25 square inches in area	3¢ for each 3,025 sq. in. +5% ad val.	6¢ for each 3,025 sq. in. +10% ad val.
		Other:		
A	644.88	Leaves not over 30.25 square inches in area	2¢ per 100 leaves	6¢ per 100 leaves.
A	644.92	Leaves over 30.25 square inches in area	2¢ for each 3,025 sq. in	6¢ for each 3,025 sq. in.
A	644.95	Embossing and stamping materials comprised of metallic powder or flakes, or pigments, mounted on paper or similar backing, and releasable from the backing by means of heat and pressure.	0.15¢ per 100 sq. in	0.375¢ per 100 sq. in.
A	644.98	Metallic flitters	6.6¢ per lb	13.25¢ per lb.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart D—Nails, Screws, Bolts, and Other Fasteners; Locks; Builders' Hardware; Furniture, Luggage, and Saddlery Hardware		
		Subpart D headnotes:		
		1. The provisions of this subpart do not cover articles coated or plated with precious metals unless such articles are specifically included therein.		
		Thumb tacks:		
A	646.02	Of two or more pieces of iron or steel, whether or not having heads coated or covered with plastics or other material.	1.6¢ per lb	4.5¢ per lb.
A*	646.04	Of copper	8% ad val	45% ad val.
A	646.06	Other	0.45¢ per lb	0.9¢ per lb.
		Drive pins, studs, and other fasteners, all the foregoing, whether threaded or not threaded, suitable for use in powder-actuated hand tools:		
	646.15	Not threaded	Free	0.7¢ per lb.
A	646.17	Threaded	7.5% ad val	45% ad val.
A	646.20	Staples in strip form	0.5¢ per lb	2¢ per lb.
A	646.22	Corrugated fasteners, glaziers' points, hook nails, and ring nails.	9.5% ad val	45% ad val.
		Brads, nails, spikes, staples, and tacks, all the foregoing, not described in the foregoing provisions of this subpart, of base metal:		
		Of iron or steel (except articles with heads of nonferrous metals):		
		Of one piece construction:		
		Made of round wire:		
	646.25	Under 1 inch in length and under 0.065 inch in diameter.	0.5¢ per lb	0.75¢ per lb.
	646.26	1 inch or more in length and 0.065 inch or more in diameter.	0.1¢ per lb	0.4¢ per lb.
		Cut:		
A	646.27	Not over 2 inches in length	4% ad val	15% ad val.
A	646.28	Over 2 inches in length	0.1¢ per lb	0.4¢ per lb.
A	646.30	Other	1.2¢ per lb	1.5¢ per lb.
A	646.32	Of two or more pieces	1.6¢ per lb	4.5¢ per lb.
A	646.34	Of copper	8% ad val	45% ad val.
A	646.36	Other	9.5% ad val	45% ad val.
		Rivets of base metal:		
A	646.40	Of iron or steel and not brightened, not lathed, and not machined.	0.2¢ per lb	1¢ per lb.
A	646.41	Other	7% ad val	45% ad val.
A	646.42	Cotters, cotter pins, and fasteners or holders (except nuts) used with screws, bolts, or studs, all the foregoing of base metal.	9.5% ad val	45% ad val.
		Furniture glides of base metal:		
A	646.45	Of two or more pieces of iron or steel	1.8¢ per lb	4.5¢ per lb.
A	646.47	Other	9.5% ad val	45% ad val.
		Wood screws (including lag screws or bolts) of base metal:		
	646.49	Of iron or steel	12.5% ad val	25% ad val.
		Other:		
A	646.51	Having shanks or threads not over 0.12 inch in diameter.	11.5% ad val	45% ad val.
A	646.53	Having shanks or threads over 0.12 inch in diameter	9% ad val	45% ad val.

See footnotes at end of table.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8605]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart D—Nails, Screws, Bolts, and Other Fasteners; Locks; Builders' Hardware; Furniture, Luggage, and Saddlery Hardware—Continued		
		Bolts, nuts, studs and studding, screws, and washers (including bolts and their nuts imported in the same shipment, and assembled bolts or screws and washers, with or without nuts); screw eyes, screw hooks and screw rings; turnbuckles, all the foregoing not described in the foregoing provisions of this subpart, of base metal:		
		Of iron or steel:		
A	646.54	Bolts and bolts and their nuts imported in the same shipment.	0.2¢ per lb	1¢ per lb.
A	646.56	Nuts	0.1¢ per lb	0.6¢ per lb.
A	646.57	Studs and studding	7% ad val	45% ad val.
		Screws:		
	646.58	Machine screws 0.375 inch or more in length and 0.125 inch or more in diameter (not including cap screws).	0.5¢ per lb	1¢ per lb.
		Other:		
	646.60	Having shanks or threads not over 0.24 inch in diameter.	11% ad val	45% ad val.
	646.63	Having shanks or threads over 0.24 inch in diameter.	9.5% ad val	45% ad val.
		Washers:		
A	646.65	Spiral and other lock washers	10% ad val	35% ad val.
	646.70	Other	Free	0.6¢ per lb.
A	646.72	Assembled bolts or screws and washers; screw eyes, screw hooks and screw rings; turnbuckles.	9.5% ad val	45% ad val.
		Of other base metal:		
		Bolts, nuts, screws, and washers (including bolts and their nuts imported in the same shipment):		
A	646.74	Muntz or yellow metal bolts	1.5¢ per lb	6.5¢ per lb.
		Other:		
A	646.75	Having shanks, threads, or holes not over 0.24 inch in diameter.	11.5% ad val	45% ad val.
A	646.76	Having shanks, threads, or holes over 0.24 inch in diameter.	9% ad val	45% ad val.
A	646.77	Studs and studding	8% ad val	45% ad val.
A	646.78	Assembled bolts or screws and washers; screw eyes, screw hooks and screw rings; turnbuckles.	9.5% ad val	45% ad val.
	646.79	Any article described in the foregoing item 646.20 and items 646.40 to 646.78, inclusive (except 646.45 and 646.47), if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Locks and padlocks (whether key, combination, or electrically operated), luggage frames incorporating locks, all the foregoing, and parts thereof, of base metal; lock keys:		
		Padlocks:		
		Not of cylinder or pin tumbler construction:		
	646.80	Not over 1.5 inches in width	6¢ per doz. +4% ad val	35¢ per doz. +20% ad val.
	646.81	Over 1.5 but not over 2.5 inches in width	9¢ per doz. +4% ad val	50¢ per doz. +20% ad val.
A	646.82	Over 2.5 inches in width	18¢ per doz. +5% ad val	75¢ per doz. +20% ad val.
		Of cylinder or pin tumbler construction:		
	646.83	Not over 1.5 inches in width	40¢ per doz. +5% ad val	$1 per doz. +20% ad val.
	646.84	Over 1.5 but not over 2.5 inches in width	30¢ per doz. +4% ad val	$1.50 per doz. +20% ad val.
A	646.85	Over 2.5 inches in width	40¢ per doz. +4% ad val	$2 per doz. +20% ad val.
		Cabinet locks:		
		Not of cylinder or pin tumbler construction:		
A*	646.86	Not over 1.5 inches in width	15¢ per doz. +4.25% ad val	70¢ per doz. +20% ad val.
A	646.87	Over 1.5 but not over 2.5 inches in width	21¢ per doz. +5% ad val	$1 per doz. +20% ad val.
A	646.88	Over 2.5 inches in width	32¢ per doz. +4% ad val	$1.50 per doz. +20% ad val.
	646.89	Of cylinder or pin tumbler construction	40¢ per doz. +4% ad val	$2 per doz. +10% ad val.
	646.90	Luggage locks, and parts thereof, and luggage frames incorporating locks.	11% ad val	45% ad val.
	646.92	Other	9.5% ad val	45% ad val.
	646.93	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	646.95	Door closers and parts thereof, of base metal	5.5% ad val	45% ad val.
		Harness and saddlery or riding-bridle hardware whether or not coated or plated with precious metal:		
A	646.97	Not coated or plated with precious metal	6% ad val	50% ad val.
A*	646.98	Coated or plated with precious metal	7.5% ad val	60% ad val.

See footnotes at end of table.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart D—Nails, Screws, Bolts, and Other Fasteners; Locks; Builders' Hardware; Furniture, Luggage, and Saddlery Hardware—Continued		
		Hinges; and fittings and mountings not specially provided for, suitable for furniture, doors, windows, blinds, staircases, luggage, vehicle coach work, caskets, cabinets, and similar uses; all the foregoing, of base metal, whether or not coated or plated with precious metal:		
		Not coated or plated with precious metal:		
		Of iron or steel, of aluminum, or of zinc:		
A	647.01	Hinges, fittings, and mountings, designed for motor vehicles.	4% ad val	25% ad val.
	647.02	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	647.03	Other	9.5% ad val	45% ad val.
A	647.05	Other	8% ad val	45% ad val.
	647.06	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	647.10	Coated or plated with precious metal	20% ad val	75% ad val.
		Subpart E—Tools, Cutlery, Forks and Spoons		

Subpart E headnotes:

1. Except for blow and other torches (items 649.31 and 649.321), abrasive wheels mounted on frameworks (item 649.39), tool tips and forms for making tool tips (item 649.53), sewing sets, pedicure or manicure sets, or combinations thereof (items 651.11 and 651.13), and except for knives, forks, spoons, and ladles, all the foregoing which are kitchen or table ware of precious metal, this subpart covers only articles with a blade, working edge, working surface or other working part of—
   (i) base metal;
   (ii) metallic carbides on a support of base metal;
   (iii) natural or synthetic precious or semiprecious stones on a support of base metal; or
   (iv) abrasive materials on a support of base metal,
   provided that the articles have other functioning of working elements such as cutting teeth, edges, grooves, or flutes.

2. In determining the length of files and rasps (items 649.01-07, inclusive), the tang (if any) should not be included.

3. The provisions for "interchangeable tools for hand tools or for machine tools" cover interchangeable tools which are designed to be fitted to hand tools or machine tools and which cannot be used independently, and include, but are not limited to, interchangeable tools for pressing, stamping, drilling, tapping, threading, boring, broaching, milling, cutting, dressing, mortising or screw-driving, but do not include saw blades, knives, or cutting blades, and do not include holding or operating devices even if attached to such interchangeable tools.

4. For the purposes of determining the rate of duty applicable to sets provided for in item 651.75, a specific rate of duty or a compound rate of duty for any article in the set shall be converted to its ad valorem equivalent rate, i.e., the ad valorem rate which, when applied to the full value of the article determined in accordance with section 402 or 402a of this Act, would provide the same amount of duties as the specific or compound rate.

5. Cases, boxes, or containers of types ordinarily sold at retail with the tools or other articles provided for in this subpart are classifiable with such articles if imported therewith.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Tools, Cutlery, Forks and Spoons—Continued		
		Drainage tools, scoops, shovels, spades, picks, mattocks, hoes, rakes, and forks; axes, adzes, hatchets, machetes, and similar hewing tools; scythes, sickles, grass hooks, corn knives, hay knives, hedge and grass shears, pruning shears and sheep shears; all the foregoing which are hand tools, and metal parts thereof:		
A	648.51	Drainage tools, scoops, shovels, and spades, and parts thereof.	7.5% ad val	30% ad val.
A	648.53	Picks and mattocks, and parts thereof	3.5% ad val	45% ad val.
		Hoes and rakes, and parts thereof:		
A	648.55	Agricultural or horticultural tools, and parts thereof.	7.5% ad val	15% ad val.
A	648.57	Other	7.5% ad val	30% ad val.
		Forks, and parts thereof:		
A	648.61	Agricultural or horticultural forks, and parts thereof (except hay and manure forks).	3.5% ad val	15% ad val.
A	648.63	Other	7.5% ad val	30% ad val.
		Axes, adzes, hatchets, machetes, and similar hewing tools, and parts thereof:		
	648.65	Machetes, and parts thereof	Free	Free.
A	648.67	Other	11% ad val	45% ad val.
A	648.69	Scythes, sickles, grass hooks, and corn knives, and parts thereof.	4% ad val	30% ad val.
A	648.71	Hay knives, and parts thereof	1¢ each +6% ad val	8¢ each +45% ad val.
A	648.73	Hedge and grass shears, and parts thereof	5¢ each +11% ad val	20¢ each +45% ad val.
A	648.75	Pruning shears and sheep shears, and parts thereof	2¢ each +4% ad val	20¢ each +45% ad val.
		Pliers, nippers, and pincers, and hinged tools for holding and splicing wire; tin snips, bolt and chain clippers, and other metal cutting shears; pipe cutters and other pipe tools; spanners and wrenches; files (except nail files), and rasps; all the foregoing which are hand tools, and metal parts thereof:		
		Pliers, nippers, pincers, and hinged tools for holding and splicing wire, and parts of the foregoing:		
	648.81	Slip-joint pliers	20% ad val	60% ad val.
A	648.85	Other (except parts)	1.6¢ each +10% ad val	10¢ each +60% ad val.
A	648.89	Parts	9.5% ad val	45% ad val.
A	648.91	Tin snips, and parts thereof	5¢ each +11% ad val	20¢ each +45% ad val.
		Bolt and chain clippers and other metal-cutting shears (except tin snips); pipe cutters; parts of the foregoing:		
A	648.93	With cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten, or over 0.1 percent of vanadium.	15% ad val	60% ad val.
A	648.95	Other	10.5% ad val	50% ad val.
A	648.97	Pipe tools (except cutters), wrenches, and spanners, and parts thereof.	11% ad val	45% ad val.
		Files and rasps, with or without their handles:		
A	649.01	Not over 2.5 inches in length	6¢ per doz	25¢ per doz.
A	649.03	Over 2.5 but not over 4.5 inches in length	10¢ per doz	47.5¢ per doz.
A	649.05	Over 4.5 but not over 6.75 inches in length	14¢ per doz	62.5¢ per doz.
A	649.07	Over 6.75 inches in length	8¢ per doz	77.5¢ per doz.
		Nonmechanical saws, blades for mechanical or nonmechanical saws (including blades in continuous lengths), and metal teeth or cutting segments and other metal parts of such saws and blades:		
A	649.11	Nonmechanical saws	3.5% ad val	20% ad val.
		Blades for mechanical or nonmechanical saws:		
A	649.14	Band saw blades	4% ad val	20% ad val.
A	649.17	Circular saw blades	4% ad val	25% ad val.
A	649.19	Hacksaw blades	5% ad val	20% ad val.
A	649.21	Jewelers' or piercing saw blades	10¢ per gross	40¢ per gross.
		Chain-saw blades, in lengths or cut to size:		
A	649.23	With cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten, or over 0.1 percent of vanadium.	15% ad val	60% ad val.
A	649.24	Other	4.5% ad val	27.5% ad val.
A	649.25	Other blades	3.5% ad val	20% ad val.
		Metal parts:		
A	649.26	Metal teeth and cutting segments suitable for use in cutting metal.	7.5% ad val	30% ad val.
		Other:		
A	649.27	Frames, handles, and other parts for nonmechanical saws.	9.5% ad val	45% ad val.
A	649.29	Other	5% ad val	35% ad val.
		Blow torches and similar self-contained torches, and metal parts thereof:		
A	649.31	Torches, designed to be operated by compressed air and kerosene or gasoline.	5% ad val	45% ad val.
A	649.32	Other	9.5% ad val	45% ad val.
		Anvils:		
A	649.33	Of iron or steel, weighing over 5 pounds each	0.5¢ per lb	3¢ per lb.
A	649.35	Other	9% ad val	45% ad val.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Tools, Cutlery, Forks and Spoons—Continued		
A	649.37	Vises and clamps (except parts of, or accessories for, machine tools).	5% ad val	45% ad val.
A •	649.39	Abrasive wheels mounted on frameworks, hand or pedal operated.	4.5% ad val	27.5% ad val.
		Interchangeable tools for hand tools or for machine tools, including dies for wire drawing, extrusion dies for metal, and rock drilling bits:		
A	649.41	Files and rasps, including rotary files and rasps	3% ad val	15% ad val.
A	649.43	Cutting tools (except tools provided for in item 649.41) with cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten, or over 0.1 percent of vanadium.	15% ad val	60% ad val.
		Other:		
		Suitable for cutting metal:		
A	649.44	Twist drills	21% ad val	50% ad val.
A	649.46	Other	10.5% ad val	50% ad val.
		Not suitable for cutting metal:		
A	649.47	For hand tools	11% ad val	45% ad val.
A	649.48	Wire-drawing dies and extrusion dies for metal	7.5% ad val	30% ad val.
A	649.49	Other	5% ad val	35% ad val.
A	649.53	Tool tips and plates, blanks and other forms for making tool tips; all the foregoing, unmounted, of sintered metal carbides.	15% ad val	60% ad val.
A	649.57	Slicers, choppers, grinders, juice extractors, and other mechanical appliances, all the foregoing which are not over 25 pounds in weight, are not powered by electricity, and are of types used in the household, in restaurants, or in retail stores for preparing or serving food or drink.	8.5% ad val	40% ad val.
		Knives and cutting blades for power or hand machines:		
	649.65	For agricultural or horticultural machines (except lawn-mower blades and for shoe machinery).	Free	Free.
A	649.67	Other	5% ad val	20% ad val.
		Pen knives, pocket knives, and other knives, all the foregoing which have folding or other than fixed blades or attachments; and blades, handles, and other parts thereof:		
		Knives:		
A •	649.71	Valued not over 40 cents per dozen	25% ad val	1.25¢ each +50% ad val.
A	649.73	Valued over 40 cents but not over 50 cents per dozen	25% ad val	1.25¢ each +50% ad val.
A	649.75	Valued over 50 cents but not over $1.25 per dozen	25% ad val	11¢ each +55% ad val.
A	649.77	Valued over $1.25 but not over $3 per dozen	4.5¢ each +13.5% ad val	18¢ each +55% ad val.
A	649.79	Valued over $3 but not over $6 per dozen	6.2¢ each +12.5% ad val	25¢ each +50% ad val.
		Valued over $6 per dozen:		
A	649.81	With steel handles ornamented or decorated with etchings or gilded designs, or both.	5¢ each +12.5% ad val	35¢ each +55% ad val.
A	649.83	Other	8.7¢ each +13.5% ad val	35¢ each +55% ad val.
A	649.85	Blades, handles, and other parts	2.75¢ each +13.5% ad val	11¢ each +55% ad val.
		Budding, grafting, and pruning knives, and blades, handles, and other parts thereof:		
A	649.87	Knives	8.7¢ each +13.5% ad val	35¢ each +55% ad val.
A	649.89	Other	2.75¢ each +13.5% ad val	11¢ each +55% ad val.
A	649.91	Cuticle or corn knives, cuticle pushers, nail files, nail cleaners, nail nippers and clippers, all the foregoing used for manicure or pedicure purposes, and parts thereof; tweezers.	18.5% ad val	60% ad val.
		Knives not specifically provided for elsewhere in this subpart, and cleavers, with or without their handles:		
	650.01	Without their handles	0.46¢ each +5% ad val	8¢ each +45% ad val.
	650.03	Cleavers with their handles	2¢ each +8.5% ad val	8¢ each +45% ad val.
		Knives with their handles:		
A	650.05	With silver handles	4¢ each +8.5% ad val	16¢ each +45% ad val.
A	650.07	With silver-plated handles	1¢ each +7.5% ad val	8¢ each +45% ad val.
		With stainless steel handles:		
		With handles not containing nickel and not containing over 10 percent by weight of manganese:		
	650.08	Valued under 25 cents each, not over 10.2 inches in over-all length.	1¢ each +12.5% ad val	2¢ each +45% ad val.
	650.09	Other	0.5¢ each +6% ad val	2¢ each +45% ad val.
		With handles containing nickel or containing over 10 percent by weight of manganese:		
	650.10	Valued under 25 cents each, not over 10.2 inches in over-all length.	1¢ each +17.5% ad val	2¢ each +45% ad val.
	650.12	Other	0.5¢ each +8.5% ad val	2¢ each +45% ad val.
A	650.13	With animal horn, bone, ivory, mother-of-pearl, or shell handles.	2¢ each +6% ad val	16¢ each +45% ad val.
		With rubber or plastics handles:		
	650.15	Table, kitchen, and butcher knives	2¢ each +12.5% ad val	8¢ each +45% ad val.
	650.17	Other	2¢ each +8.5% ad val	8¢ each +45% ad val.
		Other:		
A	650.19	Hunting knives with wood handles	1¢ each + 6% ad val	8¢ each +45% ad val.
	650.21	Other	0.5¢ each + 8.5% ad val	8¢ each +45% ad val.

See footnotes at end of table.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Tools, Cutlery, Forks and Spoons—Continued		
		Forks, spoons, and ladles, all the foregoing which are kitchen or table ware, with or without their handles:		
		Forks:		
	650.31	Without their handles	0.4¢ each + 5% ad val	8¢ each + 45% ad val.
		With their handles:		
A	650.35	With silver handles	4¢ each + 8.5% ad val	16¢ each + 45% ad val.
A	650.37	With silver-plated handles	0.5¢ each +6% ad val	2¢ each + 45% ad val.
		With stainless steel handles:		
		With handles not containing nickel and not containing over 10 percent by weight of manganese:		
	650.38	Valued under 25 cents each, not over 10.2 inches in over-all length.	1¢ each + 12.5% ad val	2¢ each + 45% ad val.
	650.39	Other	0.5¢ each + 6% ad val	2¢ each + 45% ad val.
		With handles containing nickel or containing over 10 percent by weight of manganese:		
	650.40	Valued under 25 cents each, not over 10.2 inches in over-all length.	1¢ each + 17.5% ad val	2¢ each + 45% ad val.
	650.42	Other	0.5¢ each + 8.5% ad val	2¢ each + 45% ad val.
A	650.43	With animal horn, bone, ivory, mother-of-pearl, or shell handles.	2¢ each + 6% ad val	16¢ each + 45% ad val.
	650.45	With rubber or plastics handles	1¢ each + 6% ad val	8¢ each + 45¢ ad val.
		Other:		
	650.47	Barbecue forks with wood handles	1¢ each + 6% ad val	8¢ each + 45% ad val.
	650.49	Other	0.5¢ each + 8.5% ad val	8¢ each + 45% ad val.
		Spoons and ladles:		
A	650.51	With sterling silver handles	12.5% ad val	65% ad val.
A	650.53	With silver-plated handles	10.5% ad val	50% ad val.
		With stainless steel handles:		
	650.54	Spoons valued under 25 cents each, not over 10.2 inches in over-all length.	17% ad val	40% ad val.
	650.55	Other	8.5% ad val	40% ad val.
	650.56	With base metal (except stainless steel) or nonmetal handles.	17% ad val	40% ad val.
A	650.57	Other	11% ad val	65% ad val.
		Carving and butcher steels, with or without their handles:		
A	650.61	With rubber or plastics handles	1¢ each +6% ad val	8¢ each + 45% ad val.
A	650.63	With wood handles	2¢ each + 8.5% ad val	8¢ each + 45% ad val.
A	650.65	Other	2¢ each + 6% ad val	16¢ each + 45% ad val.
		Razors and nonelectric shavers, blades and cutting heads therefor and for electric shavers, and other parts:		
		Safety razors, and handles and frames thereof:		
A	650.71	Valued not over 50 cents each	1¢ each + 2.5% ad val	10¢ each + 30% ad val.
A	650.73	Valued over 50 cents each	4% ad val	10¢ each + 30% ad val.
A	650.75	Safety-razor blades	0.1¢ each + 3% ad val	1¢ each + 30% ad val.
A	650.77	Nonelectric shavers, and blades and cutting heads therefor and for electric shavers.	4.5% ad val	27.5% ad val.
		Razors other than safety razors, and parts therefor:		
A*	650.79	Valued not over $3 per dozen	7.5¢ each + 7.5% ad val	30¢ each + 30% ad val.
A	650.81	Valued over $3 per dozen	7¢ each + 5% ad val	45¢ each + 30% ad val.
		Hair clippers (except clippers with a self-contained electric motor), and cutting blades and heads for all hair clippers:		
A*	650.83	Valued not over $1.75 per dozen	20% ad val	15¢ each + 45% ad val.
A	650.85	Valued over $1.75 per dozen	4¢ each + 9.5% ad val	20¢ each + 45% ad val.
		Scissors and shears (except machines and except shears provided for in any of the foregoing provisions), and blades therefor:		
A*	650.87	Valued not over 50 cents per dozen	0.87¢ each + 11% ad val	3.5¢ each + 45% ad val.
A	650.89	Valued over 50 cents but not over $1.75 per dozen	3.75¢ each + 11% ad val	15¢ each + 45% ad val.
	650.91	Valued over $1.75 per dozen	10¢ each + 22.5% ad val	20¢ each + 45% ad val.
		Handsewing or darning needles, bodkins, crochet hooks, embroidery stilettos, other hand needles, and upholstery regulators, upholsterer's regulating needles, and upholsterer's pins, all the foregoing, of metal; and needle books and needle cases, furnished with assortments of hand needles only:		
		Needle books and needle cases:		
A	651.01	Valued under $1.25 per dozen books or cases	19% ad val	45% ad val.
A*	651.03	Valued $1.25 or more per dozen books or cases	12.5% ad val	45% ad val.
A	651.04	Embroidery stilettos	9.5% ad val	45% ad val.
		Other:		
	651.05	Hand sewing or darning needles	Free	Free.
	651.06	Upholstery regulators, upholsterer's regulating needles, and upholsterer's pins.	Free	Free.
A	651.07	Crochet hooks or needles	50¢ per 1,000+17% ad val	$1.15 per 1,000+40% ad val.
A	651.09	Other	10% ad val	45% ad val.

See footnotes at end of table.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Tools, Cutlery, Forks and Spoons—Continued		
		Sewing sets, and pedicure or manicure sets, and combinations thereof, in leather cases or other containers of types ordinarily sold therewith in retail sales:		
A	651.11	In leather containers	10% ad val	50% ad val.
A	651.13	Other	19% ad val	45% ad val.
A	651.15	Camping and picnic sets each comprised of a knife, fork, and spoon, wholly of metal, and with each of the three pieces specially designed so as to permit their being compactly joined and held together when not in use.	12.5% ad val	60% ad val.
		Hand tools (including table, kitchen, and household implements of the character of hand tools) not specially provided for, and metal parts thereof:		
		Hammers and sledges, with or without their handles:		
A	651.21	With heads not over 3.25 pounds each	11% ad val	45% ad val.
A	651.23	With heads over 3.25 pounds each	2.5% ad val	20% ad val.
A	651.25	Crowbars, track tools, and wedges, all the foregoing of iron or steel.	0.3¢ per lb	1.375¢ per lb.
A	651.27	Drilling, threading, and tapping tools, and parts thereof	11% ad val	45% ad val.
		Chisels, gimlets, gouges, planes, and other cutting tools, and parts thereof:		
A	651.29	With cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten, or over 0.1 percent of vanadium.	15% ad val	60% ad val.
A	651.31	Other	11% ad val	45% ad val.
A	651.33	Pencil sharpeners and lead and crayon pointers, and parts thereof.	8.5% ad val	40% ad val.
A	651.37	Screwdrivers	11% ad val	45% ad val.
		Other hand tools, and parts thereof:		
	651.39	Agricultural or horticultural tools, and parts thereof.	Free	Free.
		Other:		
		Of iron or steel:		
A	651.45	Cast-iron hatters' irons, and tailors' irons	1.5% ad val	20% ad val.
A	651.47	Other	8.5% ad val	40% ad val.
		Of copper:		
A*	651.49	Of brass	5% ad val	40% ad val.
A	651.51	Other	7.5% ad val	40% ad val.
A	651.53	Of aluminum	1.7¢ per lb.+8.5% ad val	8.5¢ per lb.+45% ad val.
A	651.55	Other	8.5% ad val	40% ad val.
		Handles, of metal, for knives, forks, spoons, and ladles which are kitchen or table ware:		
		Of precious metals, or coated or plated with precious metals:		
A	651.60	Of silver, or coated or plated with silver	12.5% ad val	65% ad val.
A	651.62	Other	20% ad val	65% ad val.
	651.64	Other	9.5% ad val	45% ad val.
	651.75	Sets (except sets specially provided for) which include two or more of the tools, knives, forks, spoons, or other articles provided for in different rate provisions of this subpart.	The rate of duty applicable to that article in the set subject to the highest rate of duty.	The rate of duty applicable to that article in the set subject to the highest rate of duty.
		Subpart F—Miscellaneous Metal Products		
		Subpart F headnotes:		
		1. The provisions of this subpart do not include— (i) chain or chains provided for in part 6A of schedule 7; (ii) watch or clock springs (see part 2E of schedule 7); (iii) electric bells or gongs (see part 5 of this schedule), bells or gongs which are musical instruments or parts thereof (see part 3 of schedule 7), clock chimes and gongs (see part 2E of schedule 7); or (iv) illuminating articles provided for in part 5 of this schedule.		
A	652.03	Anchors, grapnels, and parts thereof, all the foregoing of iron or steel.	6% ad val	25% ad val.
A	652.06	Cast malleable iron boot or shoe plates, including such plates containing leather pegs and plugs.	2.5% ad val	20% ad val.
A	652.09	Flexible metal hose or tubing, whether covered with wire or other material, and with or without fittings.	10% ad val	30% ad val.
	652.10	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart F—Miscellaneous Metal Products—Continued		
		Chain and chains, and parts thereof, all the foregoing of base metal not coated or plated with precious metal:		
		Of iron or steel:		
		Chain or chains used for the transmission of power, and parts thereof:		
		Of not over 2-inch pitch and containing more than three parts per pitch, and parts thereof:		
A	652.12	Valued under 40 cents per pound	12.5% ad val	40% ad val.
A	652.15	Valued 40 cents or more per pound	6% ad val	40% ad val.
A	652.18	Other	6% ad val	35% ad val.
A	652.21	Anchor or stud link chain, or chains, and parts thereof.	0.5¢ per lb	2¢ per lb.
		Chain or chains (except the foregoing) the links of which are of stock essentially round in cross section, and parts thereof:		
A	652.24	Under 5/16 inch in diameter	0.8¢ per lb	4¢ per lb.
A	652.27	5/16 inch or more but under 3/8 inch in diameter	0.37¢ per lb	2.125¢ per lb.
A	652.30	3/8 inch or more but under 3/4 inch in diameter	0.2¢ per lb	1.125¢ per lb.
A	652.33	3/4 inch or more in diameter	0.2¢ per lb	0.875¢ per lb.
A	652.35	Other, including parts	9.5% ad val	45% ad val.
A	652.36	Of copper	8% ad val	45% ad val.
A	652.38	Other	9.5% ad val	45% ad val.
	652.39	Any article described in the foregoing items 652.12 to 652.38, inclusive, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Horse and mule shoes of base metal:		
A	652.41	Of iron or steel	0.1¢ per lb	0.25¢ per lb.
A	652.42	Other	9.5% ad val	45% ad val.
A	652.45	Steel shavings	2.5¢ per lb. +15% ad val	5¢ per lb. +30% ad val.
A*	652.50	Steel wool	2¢ per lb. +6% ad val	10¢ per lb. +30% ad val.
		Nonelectric bells and gongs, and parts thereof, all the foregoing of base metal:		
A	652.55	Bicycle and velocipede bells, and parts thereof	20% ad val	70% ad val.
	652.60	Other	10% ad val	50% ad val.
A	652.65	Crown corks and bottle caps, of base metal	6% ad val	45% ad val.
		Photograph, picture, and similar frames; mirrors; all the foregoing of base metal, whether or not coated or plated with precious metal:		
A	652.70	Not coated or plated with precious metal	8.5% ad val	45% ad val.
A	652.72	Coated or plated with precious metal	20% ad val	65% ad val.
A	652.75	Signplates, nameplates, numbers, letters, and other signs, all the foregoing of base metal.	9.5% ad val	45% ad val.
	652.76	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	652.80	Expanded metal, of base metal	9.5% ad val	45% ad val.
		Springs and leaves for springs, of base metal:		
A*	652.84	Suitable for motor vehicle suspension	4% ad val	25% ad val.
	652.85	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	652.86	Hairsprings	5% ad val	65% ad val.
	652.87	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	652.88	Other	9.5% ad val	45% ad val.
	652.89	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Hangars and other buildings, bridges, bridge sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, door and window frames, shutters, balustrades, columns, pillars, and posts, and other structures and parts of structures, all the foregoing of base metal:		
		Of iron or steel:		
		Door and window frames:		
A	652.90	Of stainless steel	8.5% ad val.*	35% ad val.
A	652.92	Other	6% ad val.*	25% ad val.
		Columns, pillars, posts, beams, girders, and similar structural units:		
		Not in part of alloy iron or steel:		
A	652.93	Cast-iron (except malleable cast-iron) articles, rough or advanced.	1.5% ad val	10% ad val.
	652.94	Other	3.5% ad val	20% ad val.
		In part of alloy iron or steel:		
	652.95	In part of stainless steel	6% ad val	30% ad val.
	652.96	Other	5.5% ad val	28% ad val.
A	652.98	Other	9.5% ad val	45% ad val.
		Fence or sign posts of iron or steel:		
A*	653.02	Not of alloy iron or steel	3.5% ad val	20% ad val.
A*	653.03	Of alloy iron or steel	5.5% ad val	28% ad val.
		Engravers' plates, ground or not ground, of copper (other than alloys of copper):		
A	653.05	Not ground	2.6¢ per lb	11¢ per lb.
A	653.07	Ground	3¢ per lb	15¢ per lb.

See footnotes at end of table.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart F—Miscellaneous Metal Products—Continued		
		Wires, rods, tubes, plates, electrodes and similar articles, all the foregoing, of base metal or of metal carbides, coated or cored with flux, of types used for soldering, brazing, welding or deposition of metal or metallic carbides; wire and rods, of base-metal powder, used for metal spraying:		
A	653.10	Lead-tin solders	0.5¢ per lb. on lead content.	1.125¢ per lb. on lead content.
A	653.15	Other	5% ad val	35% ad val.
A	653.20	Safes, strongboxes, armored or reinforced strong rooms, strongroom linings and strongroom doors, cash and deed boxes, and similar articles, all the foregoing of base metal.	9.5% ad val	45% ad val.
	653.22	Metal coins	Free	Free.
A	653.25	Zinc anodes for cathodic protection or for electroplating	9.5% ad val	45% ad val.
		Illuminating articles and parts thereof, of base metal:		
A	653.30	Incandescent lamps designed to be operated by propane or other gas, or by compressed air and kerosene or gasoline.	5% ad val	45% ad val.
		Other:		
A	653.35	Table, floor and other portable lamps for indoor illumination, of brass.	5% ad val	40% ad val.
		Other:		
A	653.37	Of brass	9.5% ad val	45% ad val.
A	653.39	Other	19% ad val	45% ad val.
		Stoves, central-heating furnaces and burners, ranges, cookers, grates, space heaters and similar heating or cooking apparatus, all the foregoing, of base metal, not electrically operated, of types used in the household, hotels, restaurants, or offices; and parts thereof, of base metal:		
A	653.45	Portable types designed to be operated by propane or other gas, or by compressed air and kerosene or gasoline.	9.5% ad val	45% ad val.
A	653.50	Other	6% ad val	45% ad val.
		Articles not specially provided for of a type used for household, table, or kitchen use; toilet and sanitary wares; all the foregoing and parts thereof, of metal:		
		Articles, wares, and parts, of precious metal, including rolled precious metal but not including base-metal articles coated or plated with precious metal:		
		Of silver:		
A	653.60	Sterling silver tableware	12.5% ad val	65% ad val.
A	653.62	Other	10.5% ad val	65% ad val.
A	653.65	Other	20% ad val	65% ad val.
		Articles, wares, and parts, of base metal, coated or plated with precious metal:		
A	653.70	Coated or plated with platinum	16% ad val	65% ad val.
A	653.75	Coated or plated with gold	20% ad val	65% ad val.
A	653.80	Coated or plated with silver	8.5% ad val	50% ad val.
		Articles, wares, and parts, of base metal, not coated or plated with precious metal:		
		Of iron or steel:		
		Not enameled or glazed with vitreous glasses:		
A*	653.85	Cast articles, coated	4% ad val	20% ad val.
A	653.90	Of tin plate	4% ad val	40% ad val.
A	653.95	Other	8.5% ad val	40% ad val.
A	653.97	Enameled or glazed with vitreous glasses	1¢ per lb. +2.5% ad val	5¢ per lb. +30% ad val.
		Of copper:		
A	654.00	Of brass	5% ad val	40% ad val.
A	654.05	Other	7.5% ad val	40% ad val.
A	654.10	Of aluminum	1.7¢ per lb. + 8.5% ad val	8.5¢ per lb. +40% ad val.
A	654.15	Of tin	4% ad val	40% ad val.
A	654.20	Other	8.5% ad val	40% ad val.
		Subpart G—Metal Products Not Specially Provided For		
		Subpart G headnotes:		
		1. This subpart covers only articles of metal which are not more specifically provided for elsewhere in the tariff schedules.		
		Articles of precious metal, including rolled precious metal:		
A	656.05	Of platinum, including rolled platinum	20% ad val	65% ad val.
A	656.10	Of gold, including rolled gold	20% ad val	65% ad val.
A	656.15	Of silver, including rolled silver	10.5% ad val	65% ad val.
		Articles of base metal, coated or plated with precious metal:		
A*	656.20	Coated or plated with platinum	16% ad val	65% ad val.
A	656.25	Coated or plated with gold	25% ad val	65% ad val.
		Coated or plated with silver:		
A	656.30	On copper or nickel silver	10% ad val	65% ad val.
A	656.35	Other	12% ad val	65% ad val.

See footnotes at end of table.

PART 3—METAL PRODUCTS—Continued

[28 F.R. 8905]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart G—Metal Products Not Specially Provided For—Continued		
		Articles of iron or steel, not coated or plated with precious metal:		
		Cast-iron articles, not alloyed:		
	657.09	Not malleable	Free	10% ad val.
A	657.10	Malleable	4% ad val	20% ad val.
		Other articles:		
A	657.15	Of tin plate	6% ad val	45% ad val.
A	657.20	Other	9.5% ad val	45% ad val.
		Articles of copper, not coated or plated with precious metal:		
A	657.30	Of copper, other than alloys of copper; of nickel silver or of cupro-nickel.	0.6¢ per lb. + 11% ad val	3¢ per lb. + 45% ad val.
A	657.35	Other	0.6¢ per lb. + 7.5% ad val	3¢ per lb. + 45% ad val.
A	657.40	Articles of aluminum, not coated or plated with precious metal.	9.5% ad val	45% ad val.
A	657.50	Articles of nickel, not coated or plated with precious metal	9% ad val	45% ad val.
A	657.60	Articles of tin, not coated or plated with precious metal	6% ad val	45% ad val.
		Articles of lead, not coated or plated with precious metal:		
A	657.70	Valued not over 13⅓ cents per pound	0.75¢ per lb	3¢ per lb.
A	657.75	Valued over 13⅓ cents per pound	5.5% ad val	45% ad val.
A	657.80	Articles of zinc, not coated or plated with precious metal	9.5% ad val	45% ad val.
A*	657.90	Articles of magnesium, not coated or plated with precious metal.	6.7¢ per lb. on magnesium content + 3.5% ad val.	40¢ per lb. on magnesium content + 20% ad val.
A	658.00	Articles of base metals not provided for in the foregoing provisions of this subpart, not coated or plated with precious metal.	9% ad val	45% ad val.
	658.10	Any article described in the foregoing items 657.09 to 658.00, inclusive, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

AMENDMENTS

Headnote 2 added by Pub. L. 89-241, §§ 2(a), 34, Oct. 7, 1965, 79 Stat. 933, 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Subpart E, headnotes 4 and 5 (formerly 5 and 6), so redesignated and headnote 4 struck out by Pub. L. 89-241, §§ 2(a), 34, Oct. 7, 1965, 79 Stat. 933, 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 642.09 and 642.11 added, and item 642.10 deleted, by Ex. Ord. No. 11960, Jan. 19, 1977, 42 F.R. 4317.

Item 642.21 added by Pub. L. 89-283, title IV, §§ 401(a), 405(b), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 642.35 amended by Pub. L. 89-241, §§ 2(a), 35(a), Oct. 7, 1965, 79 Stat. 933, 940, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 642.45. Article description preceding item 642.45 amended by Pub. L. 89-241, §§ 2(a), 35(b), Oct. 7, 1965, 79 Stat. 933, 940, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 642.86 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 642.88 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 642.96 amended by Pub. L. 89-241, §§ 2(a), 35(a), Oct. 7, 1965, 79 Stat. 933, 940, to apply with respect to articles entered, or withdraw from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 646.79 added by Pub. L. 89-283, title IV, §§ 401(a), 405(b), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 646.93 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 647.00 repealed and article description preceding item 647.01 and items 647.01 and 647.03 substituted in lieu thereof by Pub. L. 89-241, §§ 2(a), 36(a), Oct. 7, 1965, 79 Stat. 933, 940, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 647.02 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 647.06 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 648.53 amended by Pub. L. 89-241, §§ 2(a), 37, Oct. 7, 1965, 79 Stat. 933, 941, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 649.05 and 649.07 amended by Pub. L. 89-241, §§ 2(a), 38, Oct. 7, 1965, 79 Stat. 933, 941, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 649.65 amended by Pub. L. 89-241, §§ 2(a), 45(a), Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 651.01. Article description preceding item 651.01 amended by Pub. L. 93-625, § 1(a)(1), (b), Jan. 3, 1975, 88 Stat. 2108, 2109, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 3, 1975.

Items 651.04 and 651.06 amended and added by Pub. L. 93-625, § 1(a)(2), (3), (b), Jan. 3, 1975, 88 Stat. 2109, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 3, 1975.

Item 651.15 added by Pub. L. 89–241, §§ 2(a), 40(a), Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 651.33 added by Pub. L. 89–241, §§ 2(a), 39, Oct. 7, 1965, 79 Stat. 933, 941, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 651.39. Article description preceding item 651.39 amended by Pub. L. 89–241, §§ 2(a), 41, Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 651.75 amended by Pub. L. 89–241, §§ 2(a), 40(c), Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 652.10 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 652.12. Article description preceding item 652.12 amended by Pub. L. 89–241, §§ 2(a), 42(1), Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 652.21 amended by Pub. L. 89–241, §§ 2(a), 42(2), Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse for consumption after the 60th day after Oct. 7, 1965.

Item 652.24. Article description preceding item 652.24 amended by Pub. L. 89–241, §§ 2(a), 42(3), Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Oct. 7, 1965.

Item 652.35 added by Pub. L. 89–241, §§ 2(a), 42(3), Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 652.39 added by Pub. L. 89–283, title IV, §§ 401(a), 405(b), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 652.40 struck out and article description preceding item 652.41 and items 652.41 and 652.42 substituted in lieu thereof by Pub. L. 89–241, §§ 2(a), 43, Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 652.76 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 652.84, formerly 652.85, so redesignated by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 652.85 added by Pub. L. 89–283, title IV, §§ 401(a), 450(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title. Former item 652.85 redesignated 652.84.

Item 652.86 added by Pub. L. 89–241, §§ 2(a), 36(b), Oct. 7, 1965, 79 Stat. 933, 940, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 652.87 added by Pub. L. 89–283, title IV, §§ 401(a), 405(a), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title. Former item 652.87 redesignated 652.88.

Item 652.88, formerly 652.87, so redesignated by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 652.89 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 653.85. Article description preceding item 653.85 amended by Pub. L. 89–241, §§ 2(a), 44, Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 653.97 amended by Pub. L. 89–241, §§ 2(a), 44, Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 653.10 added by Pub. L. 89–283, title IV, §§ 401(a), 405(b), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

STATUS OF NEW ITEM

Section 1(c) of Pub. L. 93–625, Jan. 3, 1975, 88 Stat. 2109 provided that: "The duty free treatment applied to upholstery regulators, upholsterer's regulating needles, and upholsterer's pins under item 651.06 of the Tariff Schedules of the United States (as added by subsection (a)) shall be treated as not having the status of a statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party."

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 640.05, 640.10, 640.20, 640.25, 640.30, 640.35, 640.40, 642.06, 642.08, 642.10, 642.12, 642.14, 642.16, 642.18, 642.20, 642.25, 642.27, 642.30, 642.35, 642.45, 642.47, 642.50, 642.52, 642.54, 642.56, 642.58, 642.60, 642.62, 642.64, 642.66, 642.68, 642.70, 642.72, 642.74, 642.76, 642.78, 642.80, 642.82, 642.85, 642.87, 642.91, 642.93, 642.97, 644.02, 644.06, 644.08, 644.09, 644.11, 644.12, 644.15, 644.17, 644.18, 644.20, 644.22, 644.24, 644.26, 644.28, 644.30, 644.32, 644.36, 644.38, 644.40, 644.42, 644.46, 644.48, 644.52, 644.56, 644.60, 644.64, 644.68, 644.72, 644.76, 644.80, 644.84, 644.88, 644.92, 644.95, 644.98, 646.02, 646.04, 646.06, 646.15, 646.17, 646.20, 646.22, 646.26 to 646.28, 646.32, 646.34, 646.36, 646.40 to 646.42, 646.45, 646.47, 646.51, 646.53, 646.54, 646.56, 646.57, 646.60, 646.63, 646.65, 646.70, 646.72, 646.74 to 646.78, 646.80 to 646.90, 646.92, 646.95, 646.97, 646.98, 647.01, 647.03, 647.05, 647.10, 648.53, 648.57, 648.61, 648.63, 648.67, 648.69, 648.71, 648.73, 648.75, 648.85, 648.89, 648.91, 648.93, 648.95, 648.97, 649.01, 649.03, 649.05, 649.07, 649.11, 649.14, 649.17, 649.19, 649.21, 649.23 to 649.27, 649.29, 649.31 to 649.33, 649.35, 649.37, 649.39, 649.41, 649.43, 649.46 to 649.49, 649.53, 649.57, 649.67, 649.71, 649.73, 649.75, 649.77, 649.79, 649.81, 649.83, 649.85, 649.87, 649.89, 649.91, 650.01, 650.03, 650.05, 650.07, 650.09, 650.12, 650.13, 650.17, 650.19, 650.21, 650.31, 650.35, 650.37, 650.39, 650.42, 650.43, 650.45, 650.47, 650.49, 650.51, 650.53, 650.55, 650.57, 650.61, 650.63, 650.65, 650.71, 650.73, 650.75, 650.77, 650.79, 650.81, 650.83, 650.85, 650.87, 650.89, 651.01, 651.03, 651.04, 651.07, 651.09, 651.11, 651.13, 651.15, 651.21, 651.23, 651.25, 651.27, 651.29, 651.31, 651.33, 651.37, 651.45, 651.47, 651.49, 651.51, 651.53, 651.55, 651.60, 651.62, 651.64, 652.03, 652.06, 652.09, 652.12, 652.15, 652.18, 652.21, 652.24, 652.27, 652.30, 652.33, 652.35, 652.36, 652.38, 652.41, 652.42, 652.45, 652.50, 652.55, 652.60, 652.65, 652.70, 652.72, 652.75, 652.84, 652.86, 652.88, 652.90, 652.92 to 652.96, 653.02, 653.03, 653.05, 653.07, 653.10, 653.15, 653.20, 653.25, 653.30, 653.35, 653.37, 653.45, 653.50, 653.60, 653.62, 653.65, 653.70, 653.75, 653.80, 653.85, 653.90, 653.95, 653.97, 654.00, 654.05, 654.10, 654.15, 654.20, 656.05, 656.10, 656.15, 656.20, 656.25, 656.30, 656.35, 657.09, 657.10, 657.15, 657.20, 657.30, 657.35, 657.40, 657.50, 657.60, 657.70, 657.75, 657.80, 657.90 and 658.00, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 4—MACHINERY AND MECHANICAL EQUIPMENT

[28 F.R. 8923]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 4 headnotes: 1. This part does not cover— (i) bobbins, spools, cops, tubes, and similar holders; (ii) belts and belting; (iii) machine clothing, other than card clothing provided for in items 670.52 and 670.54; (iv) articles of textile materials; articles of stone, of ceramic ware, of glass, or of other materials provided for in schedule 5; or articles of leather or of fur on the skin; or (v) articles and parts of articles specifically provided for elsewhere in the schedules. 2. Unless the context requires otherwise, and subject to headnote 1 to subpart A of this part, a multipurpose machine is classifiable according to its principal purpose, but if such a machine is not described in a superior tariff heading as to its principal purpose, or if it has no one principal purpose, it is classifiable in subpart H of this part as a machine not specially provided for. 3. An electric motor or other power unit imported with a machine is classifiable with such machine as an entirety if fitted thereto when imported, or, if the machine or its framework is designed to receive the power unit, or if the shipment includes a common base designed to receive both the power unit and the machine.		
		Subpart A—Boilers, Nonelectric Motors and Engines, and Other General Purpose Machinery		
		Subpart A headnote: 1. A machine or appliance which is described in this subpart and also is described elsewhere in this part is classifiable in this subpart.		
A	660.10	Steam and other vapor generating boilers (except central heating hot water boilers capable also of producing low pressure steam), and parts thereof.	6.5% ad val	45% ad val.
A	660.15	Economizers, superheaters, soot removers, gas recoverers, and auxiliary plants for use with steam and other vapor generating boilers; condensers for vapor engines and power units; all of the foregoing and parts thereof.	7% ad val	45% ad val.
		Producer gas and water gas generators, with or without purifiers; acetylene gas generators (water process) and other gas generators, with or without purifiers; all the foregoing and parts thereof:		
A	660.20	Apparatus for the generation of acetylene gas from calcium carbide, and parts thereof.	4% ad val	20% ad val.
A	660.22	Other	7% ad val	45% ad val.
		Steam engines, steam turbines, and other vapor power units, and parts thereof:		
A	660.25	Steam engines and parts thereof	4% ad val	15% ad val.
A	660.30	Steam turbines and parts thereof	7.5% ad val	20% ad val.
A	660.35	Other	4.5% ad val	27.5% ad val.
		Internal combustion engines and parts thereof:		
		Piston-type engines:		
	660.40	To be installed in tractors of a type provided for in item 692.30 or in agricultural or horticultural machinery or implements provided for in item 666.00.	Free	Free.
		Other:		
A	660.42	Compression-ignition engines	5% ad val	35% ad val.
	660.43	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A*	660.44	Engines other than compression-ignition engines	4% ad val	35% ad val.
	660.45	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	660.46	Nonpiston type engines	5% ad val	35% ad val.
	660.47	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Parts:		
	660.50	Cast-iron (except malleable cast-iron) parts, not alloyed and not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues, and risers or to permit location in finishing machinery.	Free	10% ad val.
	660.51	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Other parts:		
A	660.52	Parts of piston-type engines other than compression-ignition engines.	4% ad val	35% ad val.
	660.53	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

PART 4—MACHINERY AND MECHANICAL EQUIPMENT—Continued

[28 F.R. 8923]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Boilers, Nonelectric Motors and Engines, and Other General Purpose Machinery—Continued		
		Internal combustion engines and parts thereof—Continued		
		Parts—Continued		
		Other Parts—Continued		
A	660.54	Other	5% ad val	35% ad val.
	660.55	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Water wheels, water turbines, and other water engines, and parts including governors therefor:		
A	660.65	Governors	$1.12 each + 17.5% ad val.	$4.50 each + 65% ad val.
A	660.70	Other	7.5% ad val	27.5% ad val.
		Nonelectric engines and motors not specially provided for, and parts thereof:		
A	660.75	Hydrojet engines for motor boats, and parts thereof	6% ad val	30% ad val.
A	660.80	Spring-operated and weight-operated motors	10% ad val	35% ad val.
A	660.85	Other	4.5% ad val	27.5% ad val.
	660.86	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Pumps for liquids, whether or not fitted with measuring devices; liquid elevators of bucket, chain, screw, band, and similar types; all the foregoing whether operated by hand or by any kind of power unit, and parts thereof:		
A	660.92	Fuel injection pumps for compression engines, and parts thereof.	3% ad val	35% ad val.
	660.93	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	660.94	Other	5% ad val	35% ad val.
	660.95	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Air pumps, vacuum pumps and air or gas compressors (including free-piston compressors for gas turbines); fans and blowers; all the foregoing, whether operated by hand or by any kind of power unit, and parts thereof:		
		Fans and blowers, and parts thereof:		
A	661.09	Blowers for pipe organs	5% ad val	35% ad val.
A	661.10	Other	7% ad val	35% ad val.
	661.11	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	661.12	Compressors, and parts thereof	4.5% ad val	35% ad val.
	661.13	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	661.15	Other	5% ad val	35% ad val.
	661.16	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	661.20	Air-conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity of air, and parts thereof.	5.5% ad val	35% ad val.
	661.21	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	661.25	Furnace burners for liquid fuel (atomizers), for pulverized solid fuel or gas; mechanical stokers, mechanical grates, mechanical ash dischargers and similar appliances; and parts thereof.	4.5% ad val	27.5% ad val.
A	661.30	Industrial and laboratory furnaces and ovens, nonelectric, and parts thereof.	9.5% ad val	45% ad val.
A	661.35	Refrigerators and refrigerating equipment, whether or not electric, and parts thereof.	5% ad val	35% ad val.
	661.36	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Calendering and similar rolling machines (except metal-working and metalrolling machines and glassworking machines), and parts thereof:		
A	661.40	Calender bowls or rolls of textile fibers, husk, paper, or mixtures thereof, compressed between and held together by iron or steel heads or washers fastened to iron or steel cores or mandrels, for calendering, embossing, mangling, or pressing operations.	14% ad val	35% ad val.
A	661.45	Embossing rollers of metal	5% ad val	30% ad val.
A	661.50	Textile calendering and rolling machines, and parts thereof.	8% ad val	40% ad val.
A	661.55	Other	5% ad val	35% ad val.
		Industrial machinery, plant, and similar laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature, such as heating, cooking, roasting, distilling, rectifying, sterilizing, pasteurizing, steaming, drying, evaporating, vaporizing, condensing, or cooling; instantaneous or storage water heaters, nonelectrical; all the foregoing (except agricultural implements, sugar machinery, shoe machinery, and machinery or equipment for the heat-treatment of textile yarns, fabrics, or made-up textile articles) and parts thereof:		

PART 4—MACHINERY AND MECHANICAL EQUIPMENT—Continued

[28 F.R. 8923]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Boilers, Nonelectric Motors and Engines, and Other General Purpose Machinery—Continued		
		Industrial machinery, plant, etc.—Continued		
A	661.65	Instantaneous or storage water heaters, and parts thereof.	9.5% ad val	45% ad val.
A	661.70	Other	6% ad val	35% ad val.
		Centrifuges; filtering and purifying machinery and apparatus (other than filter funnels, milk strainers, and similar articles), for liquids or gases; all the foregoing and parts thereof:		
		Centrifuges and parts thereof:		
		Cream separators:		
	661.75	Valued not over $50 each	Free	Free.
	661.80	Valued over $50 but not over $100 each	Free	25% ad val.
A	661.85	Valued over $100 each	5% ad val	25% ad val.
A	661.90	Other	5.5% ad val	25% ad val.
		Other:		
A	661.92	Cast-iron (except malleable cast-iron) parts, not alloyed and not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues, and risers or to permit location in finishing machinery.	1.5% ad val	10% ad val.
	661.93	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	661.95	Other	5.5% ad val	35% ad val.
	661.96	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Machinery for cleaning or drying bottles or other containers; machinery for filling, closing, sealing, capsuling, or labelling bottles, cans, boxes, bags, or other containers; other packing or wrapping machinery; machinery for aerating beverages; dish washing machines; all the foregoing and parts thereof:		
A	662.10	Machines for packaging pipe tobacco; machines for wrapping candy; machines for wrapping cigarette packages; and combination candy cutting and wrapping machines; all the foregoing and parts thereof.	5% ad val.*	35% ad val.
A	662.15	Can-sealing machines, and parts thereof	7.5% ad val	30% ad val.
		Other:		
A	662.18	Cast iron (except malleable cast iron) parts, not alloyed and not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues, and risers, or to permit location in finishing machinery.	1.5% ad val	10% ad val.
A	662.20	Other	5.5% ad val	35% ad val.
		Weighing machinery and scales (except balances of a sensitivity of 5 centigrams or better provided for in part 2D of schedule 7), including weight-operated counting and checking machines, and parts thereof; weighing machine weights not provided for in part 2D of schedule 7:		
	662.25	Weighing machinery for use in the manufacture of sugar.	Free	Free.
A	662.26	Fully automatic weighing machinery requiring no manual operations for weight determinations, and accurate to 1/10 of 1 percent or better of the maximum weighing capacity, on weight tests within the weighing range of the scale.	5% ad val	35% ad val.
	662.30	Other	9% ad val	45% ad val.
		Mechanical appliances, whether or not hand operated, for projecting, dispersing, or spraying liquids or powders; fire extinguishers, whether or not charged; spray guns and similar appliances; steam- or sand-blasting machines and similar jet projecting machines; all the foregoing (except automatic vending machines) and parts thereof:		
A	662.35	Simple piston pump sprays, powder bellows, all the foregoing and parts thereof.	9.5% ad val	45% ad val.
	662.36	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
	662.40	Sandblasting machines, and parts thereof	Free	Free.
	662.45	Sprayers (except sprayers, self-contained, having a capacity not over 5 gallons) suitable for agricultural or horticultural use.	Free	Free.
A	662.50	Other	5% ad val	35% ad val.
	662.51	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

PART 4—MACHINERY AND MECHANICAL EQUIPMENT—Continued

[28 F.R. 8923]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Elevators, Winches, Cranes, and Related Machinery; Earthmoving and Mining Machinery		
		Subpart B headnote: 1. This subpart does not cover— (i) cranes or other machines mounted on vehicles, on vessels or other floating structures, or on other transport equipment (see part 6 of the schedule); or (ii) agricultural implements (see subpart C of this part).		
A	664.05	Mechanical shovels, coalcutters, excavators, scrapers, bulldozers, and other excavating, levelling, boring, and extracting machinery, all the foregoing, whether stationary or mobile, for earth, minerals, or ores; pile drivers; snow plows, not self-propelled; all the foregoing and parts thereof.	5% ad val	35% ad val.
A	664.10	Elevators, hoists, winches, cranes, jacks, pulley tackle, belt conveyors, and other lifting, handling, loading, or unloading machinery, and conveyors, all the foregoing and parts thereof not provided for in item 664.05.	5% ad val	35% ad val.
	664.11	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Subpart C—Agricultural and Horticultural Machinery; Machinery for Preparing Food and Drink		
		Subpart C headnote: 1. The provisions of item 666.00 for "agricultural and horticultural implements not specially provided for" do not apply to any of the articles provided for in schedule 6, part 3 (subparts A through F, inclusive), part 5 (except item 687.40), or part 6, or to any of the articles specially provided for elsewhere in the tariff schedules, but interchangeable agricultural and horticultural implements are classifiable in item 666.00 even if mounted at the time of importation on a tractor provided for in part 6B of this schedule.		
	666.00	Machinery for soil preparation and cultivation, agricultural drills and planters, fertilizer spreaders, harvesting and threshing machinery, hay or grass mowers (except lawnmowers), farm wagons and carts, milking machines, on-farm equipment for the handling or drying of agricultural or horticultural products, and agricultural and horticultural implements not specially provided for, and parts of any of the foregoing.	Free	Free.
A	666.10	Lawnmowers and parts thereof	10% ad val	30% ad val.
		Industrial machinery for preparing and manufacturing food or drink and parts thereof:		
	666.20	Machinery for use in the manufacture of sugar, and parts therof.	Free	Free.
A	666.25	Other	5.5% ad val	35% ad val.
		Subpart D—Pulp and Paper Machinery; Bookbinding Machinery; Printing Machinery		
		Machines for making cellulosic pulp, paper, or paperboard; machines for processing or finishing pulp, paper, or paperboard, or making them up into articles:		
A	668.00	Machines for making cellulosic pulp, paper, or paperboard.	3.5% ad val	35% ad val.
A	668.02	Other	5% ad val	35% ad val.
		Parts of the foregoing machines:		
A	668.04	Bed plates, roll bars, and other stock-treating parts for pulp or paper machines.	7% ad val	20% ad val.
		Other:		
A	668.06	Parts of machines for making cellulosic pulp, paper, or paperboard.	3.5% ad val	35% ad val.
A	668.07	Other	5% ad val	35% ad val.
A	668.10	Bookbinding machinery, including booksewing machines, and parts thereof.	5% ad val	25% ad val.
		Printing machinery:		
A	668.15	Textile printing machinery	8% ad val	40% ad val.
A	668.20	Other, including printing presses, offset duplicating machines, and stencil copy machines.	6% ad val	25% ad val.
	668.25	Linotype and typesetting machines, and parts thereof	Free	Free.
		Print blocks, and print rollers, used for printing, stamping or cutting designs:		
A	668.32	Print rollers with raised patterns of brass or brass and felt.	$2 each +20% ad val	$5 each +72% ad val.
A	668.34	Other	20% ad val	60% ad val.
A	668.36	Printing types	5% ad val	30% ad val.
A	668.38	Steel plates, stereotype plates, electrotype plates, halftone plates, photogravure plates, photoengraved plates, and plates of other materials, engraved or otherwise prepared for printing.	5% ad val	25% ad val.
A	668.50	Other parts of printing machinery	The rate for the articles of which they are parts.	The rate for the articles of which they are parts.

PART 4—MACHINERY AND MECHANICAL EQUIPMENT—Continued

[28 F.R. 8923]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Textile Machines; Laundry and Drycleaning Machines; Sewing Machines		
A	670.00	Machines suitable for extruding or drawing manmade textile filaments.	7% ad val	40% ad val.
		Machines used to prepare natural or manmade fibers, or combinations thereof, for spinning, for use as stuffing, or for the manufacture of nonwoven felts or wadding; spinning machines, twisting machines, doubling machines, and other textile machines for producing yarns:		
A	670.02	Specially designed for vegetable fibers (except cotton)	4% ad val	40% ad val.
A	670.04	Specially designed for wool	7% ad val	40% ad val.
A	670.06	Other	6% ad val	40% ad val.
A	670.12	Textile reeling or winding machines; textile beaming, warping, or slashing machines, and other textile machines for preparing yarns to be woven, knit, braided, or otherwise made into textile fabrics or other textile articles.	7% ad val	40% ad val.
		Weaving machines, knitting machines, and textile machines for making lace, net, braid, embroidery, trimmings, fabrics, or other textile articles:		
A	670.14	Weaving machines	7% ad val	40% ad val.
		Circular knitting machines:		
A	670.16	Hosiery	6.5% ad val	40% ad val.
A	670.17	Other	6% ad val	40% ad val.
		Knitting machines other than circular knitting machines:		
A	670.18	Full-fashioned hosiery machines	8% ad val	40% ad val.
A	670.19	V-bed flat knitting machines	8% ad val	40% ad val.
A	670.20	Other:		
		Lace- and net-making machines (except lace-braiding machines):	7% ad val	40% ad val.
A	670.22	Leavers (including go-through-machines	7% ad val	30% ad val.
A	670.23	Other	5% ad val	30% ad val.
A	670.25	Braiding and lace-braiding machines	7% ad val	40% ad val.
A	670.27	Embroidery machines	6% ad val	30% ad val.
A	670.29	Other	6.5% ad val	40% ad val.
		Machines for making or finishing felt and nonwoven fabrics including bonded fabrics, in the piece or in shapes, including felt hatmaking machines and hatmaking blocks; and parts thereof:		
A	670.33	Finishing machines and parts thereof	8% ad val	40% ad val.
A	670.35	Other	6.5% ad val	40% ad val.
		Machinery for washing, cleaning, drying, bleaching, dyeing, dressing, finishing or coating textile filaments, yarns, fabrics or made-up textile articles (including laundry and drycleaning machinery), and parts of such machinery:		
A	670.40	Washing machines other than types used in finishing textile articles.	7% ad val	35% ad val.
A	670.41	Drycleaning machines	5.5% ad val	35% ad val.
A	670.42	Household and laundry types of ironing machines, mangles and pressers.	5.5% ad val	35% ad val.
A	670.43	Other	8% ad val	40% ad val.
A	670.50	Fabric folding, reeling, or cutting machines	6.5% ad val	40% ad val.
		Parts of textile machinery:		
		Card clothing not fitted or attached to carding machines or to parts thereof at the time of importation:		
A	670.52	Made with round iron or untempered sound steel wire.	5% ad val	20% ad val.
A	670.54	Made with tempered round steel wire, or plated wire, or other than round iron or steel wire, or with felt face, wool face, or rubber-face cloth containing wool.	12.5% ad val	45% ad val.
A	670.56	Jacquard cards	14% ad val	35% ad val.
		Needles for knitting machines:		
	670.58	Latch needles	50¢ per 1,000 + 15% ad val	$2 per 1,000 + 60% ad val.
	670.60	Spring-beard needles	37¢ per 1,000 + 12.5% ad val.	$1.50 per 1,000 + 50% ad val.
	670.62	Other	57¢ per 1,000 + 20% ad val	$1.15 per 1,000 + 40% ad val.
A	670.64	Needles for embroidery machines	37¢ per 1,000 + 10% ad val	$1.15 per 1,000 + 40% ad val.
A	670.66	Shuttles for embroidery machines	12% ad val	30% ad val.
A	670.68	Spinning and twisting ring travelers	17.5% ad val	35% ad val.
A	670.70	Textile pins	10% ad val	20% ad val.
A	670.72	Wire heads and heddles	10¢ per 1,000 + 12.5% ad val.	25¢ per 1,000 + 30% ad val.
A	670.74	Parts not specially provided for	The rate for the machines of which they are parts.	The rate for the machines of which they are parts.

PART 4—MACHINERY AND MECHANICAL EQUIPMENT—Continued

[28 F.R. 8923]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Subpart E—Textile Machines; Laundry and Drycleaning Machines; Sewing Machines—Continued		
A	670.90	Cordage machines and parts thereof	6% ad val	35% ad val.
		Sewing machines and parts thereof, including furniture specially designed for such machines:		
	672.05	Sewing machines specially designed to join footwear soles to uppers, and parts thereof (except needles).	Free	Free.
		Sewing machines other than those in item 672.05:		
A*	672.10	Valued not over $10 each	3.5% ad val	15% ad val.
A	672.15	Valued over $10 each	5% ad val	30% ad val.
		Parts:		
A	672.20	Needles	37¢ per 1,000 + 10% ad val	$1.15 per 1,000 + 40% ad val.
A	672.22	Shuttles	12% ad val	30% ad val.
A	672.25	Other	5% ad val	30% ad val.
		Subpart F—Machines for Working Metal, Stone, and Other Materials		
		Subpart F headnotes:		
		1. For the purposes of this subpart—		
		(a) the term "machine tool" means any machine used for shaping or surface-working—		
		(i) metals (including metallic carbides);		
		(ii) stone, ceramics, concrete, asbestos-cement and like mineral materials, or glass in the cold; or		
		(iii) wood, cork, bone, hard rubber or plastics, or other hard materials;		
		whether by cutting away or otherwise removing the material or by changing its shape or form without removing any of it, but does not include rolling mills (item 674.20) or the hand-directed or -controlled tools provided for in items 674.60 and 674.70 of this subpart and in item 683.20 of part 5 of this schedule; and		
		(b) the term "metalworking" includes metallic-carbide-working.		
A	674.10	Converters, ingot molds, and casting machines, and all the foregoing of types used in metallurgy and in metal foundries, and parts thereof.	4.5% ad val	35% ad val.
A	674.20	Metal rolling mills and parts thereof	7.5% ad val	30% ad val.
		Machine tools:		
		Metal working machine tools:		
A	674.30	Machine tools for cutting or hobbing gears	10% ad val	40% ad val.
A	674.32	Boring, drilling, and milling machines, including vertical turret lathes.	6% ad val	30% ad val.
A	674.35	Other	7.5% ad val	30% ad val.
		Other machine tools:		
A	674.40	Reciprocating gang-saw machines	5.5% ad val	35% ad val.
A	674.42	Other[10]	5% ad val	35% ad val.
		Work and tool holders and other parts of, and accessories used principally with, machine tools; tool holders for the mechanical hand tools provided for in items 651.27, 674.70, and 683.20:		
A	674.50	Tool holders	7.5% ad val	45% ad val.
		Other:		
		Parts:		
	674.51	Cast-iron (except malleable cast-iron) parts, not alloyed and not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues, and risers or to permit location in finishing machinery.	Free	10% ad val.
		Other:		
A	674.52	Parts of metalworking machines tools for cutting or hobbing gears.	10% ad val	45% ad val.
A	674.53	Other parts	7% ad val	35% ad val.
		Accessories:		
A	674.55	Machines	5% ad val	35% ad val.
A*	674.56	Other	9.5% ad val	45% ad val.
		Hand-directed or -controlled tools with pneumatic or self-contained nonelectric motor, and parts thereof:		
A	674.60	Tools suitable for metalworking and parts thereof	7.5% ad val	30% ad val.
A	674.70	Other	4.5% ad val	27.5% ad val.
A	674.75	Powder-actuated hand tools, and parts thereof	4.5% ad val	27.5% ad val.
		Gas-operated welding, brazing, cutting and surface-tempering appliances, and parts thereof:		
A	674.80	Hand-directed or -controlled appliances and parts thereof.	9.5% ad val	45% ad val.
A	674.90	Other	4.5% ad val	27.5% ad val.

See footnotes at end of table.

PART 4—MACHINERY AND MECHANICAL EQUIPMENT—Continued

[28 F.R. 8923]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Subpart G—Office Machines		
		Subpart G headnotes: 1. This subpart does not cover— (i) weighing machines (see subpart A of this part and subpart D of part 2 of schedule 60; (ii) bookbinding and printing machinery (see subpart D of this part); (iii) mathematical calculating instruments or revolution and other counters (see subparts C and D of part 2 of schedule 7); (iv) hand tools not having a base for fixing or placing them on a table, desk, wall, floor, or similar place (see part 3E of this schedule). 2. For the purposes of this subpart— (a) the term "office machines" refers to machines which are used in offices, shops, factories, workshops, schools, depots, hotels, and elsewhere, for doing work concerning the writing, recording, sorting, filing, mailing of correspondence, records, accounts, forms, etc., or for doing other "office work", and which have a base for fixing or placing them on a table, desk, wall, floor, or similar place; and (b) a "calculating mechanism" is one designed to perform one or more of the four arithmetical operations, i.e., addition, subtraction, multiplication, and division.		
		Typewriters not incorporating a calculating mechanism:		
	676.05	Nonautomatic with hand-operated keyboard	Free	Free.
A	676.07	Other	5.5% ad val	35% ad val.
		Addressing, numbering, dating, and checkwriting machines:		
A	676.10	Addressing machines	6% ad val	25% ad val.
A	676.12	Other	4% ad val	25% ad val.
		Calculating machines; accounting machines, cash registers, postage-franking machines, ticket-issuing machines, and similar machines, all the foregoing incorporating a calculating mechanism:		
A	676.15	Accounting, computing, and other data-processing machines.	5.5% ad val	35% ad val.
A	676.20	Calculating machines specially constructed for multiplying and dividing.	5% ad val	35% ad val.
A	676.22	Cash registers	5% ad val	35% ad val.
A	676.23	Adding machines	6% ad val	35% ad val.
A	676.25	Other	5.5% ad val	35% ad val.
A	676.30	Office machines not specially provided for	5% ad val	35% ad val.
		Parts of the foregoing:		
A	676.50	Typewriter parts	9.5% ad val	45% ad val.
A*	676.52	Other	5.5% ad val	35% ad val.
		Subpart H—Other Machines		
	678.10	Shoe machinery and parts thereof	Free	Free.
A	678.20	Machinery for sorting, screening, separating, washing, crushing, grinding, or mixing earth, stone, ores, or other mineral substances in solid (including powder or paste) form; machinery for agglomerating, molding, or shaping solid mineral fuels, ceramic paste, unhardened cements, plastering materials or other mineral products in powder or paste form; machines for forming foundry molds of sand; all the foregoing and parts thereof.	5% ad val	35% ad val.
		Glassworking machines (other than machines for working glass in the cold); machines for assembling electric filament and discharge lamps and electronic tubes; all the foregoing and parts thereof:		
A	678.30	Glassworking machines, and parts thereof	5.5% ad val	35% ad val.
A	678.32	Other	5% ad val	35% ad val.
A	678.35	Machines used for molding or otherwise forming rubber or plastics articles, and parts thereof.	5.5% ad val	35% ad val.
A	678.40	Automatic vending machines, and parts thereof	5.5% ad val	35% ad val.
A	678.45	Tobacco leaf stripping or cutting machines; industrial cigar- or cigarette-making machines, whether or not equipped with an auxiliary packaging device; all the foregoing and parts thereof.	6% ad val	35% ad val.
A*	678.50	Machines not specially provided for, and parts thereof	5% ad val	35% ad val.
	678.51	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

PART 4—MACHINERY AND MECHANICAL EQUIPMENT—Continued

[28 F.R. 8923]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart J—Parts of Machines		
A	680.05	Molding boxes for metal foundry	9.5% ad val	45% ad val.
A	680.07	Molders' patterns for the manufacture of castings	6% ad val	50% ad val.
		Molds of types used for metal (except ingot molds), for metallic carbides, for glass, for mineral materials, or for rubber or plastics materials:		
		Molds used for rubber or plastics materials:		
	680.11	Shoe machinery molds	Free	Free.
A	680.12	Other	5.5% ad val	35% ad val.
A	680.15	Other	5.5% ad val	35% ad val.
		Taps, cocks, valves, and similar devices, however operated, used to control the flow of liquids, gases, or solids, all the foregoing and parts thereof:		
		Hand-operated and check, and parts thereof:		
A	680.20	Of copper	0.6¢ per lb. + 9% ad val	3¢ per lb.+45% ad val.
	680.21	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	680.22	Other	11% ad val	45% ad val.
	680.23	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Other:		
A	680.25	Ballcock mechanisms, and parts	5.5% ad val	35% ad val.
A	680.27	Other	5% ad val	35% ad val.
	680.28	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
	680.30	Antifriction balls and rollers	2¢ per lb.+6% ad val	10¢ per lb.+45% ad val.
	680.31	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Ball or roller bearings, including such bearings with integral shafts, and parts thereof:		
	680.33	Ball bearings with integral shafts	6% ad val	35% ad val.
	680.34	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
	680.35	Other	1.7¢ per lb.+7.5% ad val	10¢ per lb.+45% ad val.
	680.36	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	680.40	Forged steel grinding balls	6% ad val	27.5% ad val.
		Gear boxes and other speed changers with fixed, multiple, or variable ratios; pulleys, pillow blocks, and shaft couplings; torque converters; chain sprockets; clutches; and universal joints; all the foregoing (except parts of agricultural or horticultural machinery and implements provided for in item 666.00 and parts of motor vehicles, aircraft, and bicycles) and parts thereof:		
		Gear boxes and other speed changers, and parts thereof:		
A	680.45	Fixed ratio speed changes multiple and variable ratio speed changers each ratio of which is selected by manual manipulation, and parts thereof.	4.5% ad val	27.5% ad val.
A	680.47	Other speed changers	$1.12 each +17.5% ad val	$4.50 each +65% ad val.
A	680.48	Other parts	22.5% ad val	65% ad val.
	680.50	Pulleys, pillow blocks, shaft couplings, and parts thereof.	9.5% ad val	45% ad val.
A	680.52	Torque converters, and parts thereof	4.5% ad val	27.5% ad val.
A	680.54	Chain sprockets, clutches, universal joints, and parts thereof.	9.5% ad val	45% ad val.
A	680.57	Lubrication fittings	9.5% ad val	45% ad val.
	680.58	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	680.60	Cast-iron (except malleable cast-iron) rollers for machines, not alloyed and not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues, and risers or to permit location in finishing machinery.	1.5% ad val	10% ad val.
A	680.70	Kits, each containing three or more replacement parts however provided for elsewhere in the schedules, put up and packaged for the repair of hydraulic-brake master or wheel cylinders or for the repair of internal-combustion engine pumps or carburetors.	5% ad val	35% ad val.
A	680.90	Machinery parts not containing electrical features and not specially provided for.	9.5% ad val	45% ad val.
	680.91	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

AMENDMENTS

Headnote 1(iii) amended by Pub. L. 89-241, §§ 2(a), 46, Oct. 7, 1965, 79 Stat. 933, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Headnote 1, subpars. (iv) and (v) (formerly (v) and (vi)), so redesignated and subpar. (iv) struck out by Pub. L. 89-241, §§ 2(a), 50(a), Oct. 7, 1965, 79 Stat. 933, 944, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Subpart C, headnote 1, amended by Pub. L. 89-241, §§ 2(a), 49(a), Oct. 7, 1965, 79 Stat. 933, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 660.40 amended by Pub. L. 89-241, §§ 2(a), 49(c), Oct. 7, 1965, 79 Stat. 933, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 660.43 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 660.45 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 660.47 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 660.51 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 660.53 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 660.55 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 660.86 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 660.90 repealed and article description preceding item 660.92 and items 660.92 and 660.94 substituted in lieu thereof by Pub. L. 89-241, §§ 2(a), 36(c), Oct. 7, 1965, 79 Stat. 933, 930, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 660.93 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 660.95 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 661.09. Article description preceding item 661.09 and items 661.09 and 661.10 substituted in lieu of struck item 661.10 by Pub. L. 89-241, §§ 2(a), 47, Oct. 7, 1965, 79 Stat. 933, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 661.11 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 661.13 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 661.16 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 661.21 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 661.36 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 661.65. Article description preceding item 661.65 amended by Pub. L. 89-241, §§ 2(a), 45(b), Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 661.92. Article description preceding item 661.92 and items 661.92 and 661.95 substituted in lieu of struck item 661.95 by Pub. L. 89-241, §§ 2(a), 48(a), Oct. 7, 1965, 79 Stat. 933, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 661.93 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 661.96 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 662.18. Article description preceding item 662.18 and items 662.18 and 662.20 substituted in lieu of struck item 662.20 by Pub. L. 90-638, § 1(a), (b)(1), Oct. 24, 1968, 72 Stat. 1359, to apply (except as provided in section 1(b)(2) of Pub. L. 90-538, set out as Entries and Withdrawals of Iron Castings note under this part) with respect to articles entered, or withdrawn from warehouse, for consumption, after Oct. 24, 1968. Such item 662.18 amended by Pub. L. 90-638, § 1(c), effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1969, 1970, 1971, and 1972.

Item 662.36 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 662.45 amended by Pub. L. 89-241, §§ 2(a), 10(b), Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 662.51 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 664.11 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 666.00 amended by Pub. L. 89-241, §§ 2(a), 49 (b), Oct. 7, 1965, 79 Stat. 933, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 672.05 amended by Pub. L. 89-241, §§ 2(a), 45(c), Oct. 7, 1965, 79 Stat. 833, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 678.51 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 680.10 struck out and article description preceding item 680.11 and items 680.11 and 680.12 substituted in lieu thereof by Pub. L. 89-241, §§ 2(a), 45(d), Oct. 7, 1965, 79 Stat. 933, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 680.20. Article description preceding item 680.20 amended by Pub. L. 89-241, §§ 2(a), 50(b), Oct. 7, 1965, 79 Stat. 933, 944, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 680.21 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 680.23 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 680.28 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item, 680.31 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 680.33, formerly 680.34, so redesignated by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 680.34. Article description preceding item 680.34 and items 680.34 and 680.35 substituted in lieu of repealed item 680.35 by Pub. L. 89-241, §§ 2(a), 36(d), Oct. 7, 1965, 79 Stat. 933, 940, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 680.34 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title. Former item 680.34 redesignated 680.33.

Item 680.36 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 680.40. Article description following item 680.40 amended by Pub. L. 89-241, §§ 2(a), 49(d), Oct. 7, 1965, 79 Stat. 933, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 680.45 amended by Pub. L. 89-241, §§ 2(a), 51, Oct. 7, 1965, 79 Stat. 933, 944, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 680.58 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title. Former item 680.58, added by Pub. L. 89-241, §§ 2(a), 48(b), Oct. 7, 1965, 79 Stat. 933, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965, redesignated 680.60.

Item 680.59. Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, redesignated former item 680.59 as 680.70, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title. Former item 680.59 added by Pub. L. 89-241, §§ 2(a), 36(e), Oct. 7, 1965, 79 Stat. 933, 940, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 680.60, formerly 680.58, so redesignated by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title. Former item 680.60 redesignated 680.90.

Item 680.70, formerly 680.59, so redesignated by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 680.90, formerly 680.60, so redesignated by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 680.91 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

ENTRIES AND WITHDRAWALS OF IRON CASTINGS AFTER AUG. 30, 1963, AND ON OR BEFORE OCT. 24, 1968

Pub. L. 90-638, § 1(b)(2), Oct. 24, 1968, 82 Stat. 1359, provided for the liquidation and reliquidation of certain articles described in item 662.18 which entered or were withdrawn after Aug. 30, 1963, and on or before Oct. 24, 1968.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 660.10, 660.15, 660.20, 660.22, 660.25, 660.30, 660.35, 660.42, 660.44, 660.46, 660.50, 660.52, 660.54, 660.65, 660.70, 660.75, 660.80, 660.85, 660.92, 660.94, 661.09, 661.10, 661.12, 661.15, 661.20, 661.25, 661.30, 661.35, 661.40, 661.45, 661.50, 661.55, 661.65, 661.70, 661.80, 661.85, 661.90, 661.92, 661.95, 662.10, 662.15, 662.18, 662.20, 662.26, 662.30, 662.35, 662.50, 664.05, 664.10, 666.10, 666.25, 668.00, 668.02, 668.06, 668.07, 668.10, 668.15, 668.20, 668.32, 668.34, 668.36, 668.38, 670.00, 670.02, 670.04, 670.06, 670.12, 670.14, 670.16 to 670.20, 670.22, 670.23, 670.25, 670.27, 670.29, 670.233, 670.35, 670.40 to 670.43, 670.50, 670.52, 670.54, 670.56, 670.58, 670.60, 670.62, 670.64, 670.66, 670.68, 670.70, 670.72, 670.90, 672.10, 672.15, 672.20, 672.22, 672.25, 674.10, 674.20, 674.30, 674.32, 674.35, 674.40, 674.42, 674.50 to 674.53, 674.55, 674.56, 674.60, 674.70, 674.75, 674.80, 674.90, 676.07, 676.10, 676.12, 676.15, 676.20, 676.22, 676.23, 676.25, 676.30, 676.50, 676.52, 678.20, 678.30, 678.32, 678.35, 678.40, 678.45, 678.50, 680.05, 680.07, 680.12, 680.15, 680.20, 680.25, 680.27, 680.30, 680.33, 680.35, 680.40, 680.45, 680.47, 680.48, 680.52, 680.57, 680.60, 680.70, and 680.90, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 5—ELECTRICAL MACHINERY AND EQUIPMENT

[28 F.R. 8935]

Item	Articles	Rates of duty	
		1	2
	Part 5 headnotes; 1. This part does not cover— (i) electrical insulators or insulating materials (classifiable in other schedules according to materials of which made); (ii) certain carbons, electrodes, and brushes provided for in part 1E of schedule 5; (iii) ceramic electrical ware (part 2D of schedule 5); (iv) electric blankets and other electrically warmed bedding (see part 5B of schedule 3);		

PART 5—ELECTRICAL MACHINERY AND EQUIPMENT—Continued

[28 F.R. 8935]

	Item	Articles	Rates of duty	
			1	2
		Part 5 headnotes—Continued		
		(v) washing machines, ironing machines, sewing machines, and other machines provided for in parts 4 or 6 of this schedule or;		
		(vi) electrical instruments and apparatus provided for in schedule 7.		
		2. For the purposes of this part (items 682.05 and 682.07), the rated kva of a transformer is the kilovolt-ampere output on a continuous duty basis at the rated secondary voltage (or amperage, when applicable) and at the rated frequency without exceeding the rated temperature limitations.		
		Generators, motors, motor-generators, converters (rotary or static), transformers, rectifiers, and rectifying apparatus, and inductors; all the foregoing which are electrical goods, and parts thereof:		
		Transformers:		
A	682.05	Rated at less than 1 kva	12.5% ad val	35% ad val.
A	682.07	Other	6% ad val	35% ad val.
		Motors:		
		Of under 1/40 horsepower:		
A	682.20	Synchronous, valued not over $4 each	25% ad val	90% ad val.
A	682.25	Other	12.5% ad val	35% ad val.
A	682.30	Of 1/40 or more but not over 1/10 horsepower	6% ad val	35% ad val.
A	682.40	Of over 1/10 but under 200 horsepower	5% ad val.*	35% ad val.
A	682.50	Of 200 or more horsepower	6% ad val	35% ad val.
A	682.52	Commutators	5% ad val	35% ad val.
A	682.55	Parts of motors of under 1/40 horsepower	25% ad val	90% ad val.
A	682.60	Other	7.5% ad val	35% ad val.
	682.65	Any article described in the foregoing items 682.05 to 682.60, inclusive (except 68.250), If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Magnets; chucks, clamps, vises and similar work holders, all the foregoing which are magnetic; electromagnetic clutches and couplings; electromagnetic brakes; electromagnetic lifting heads; all the foregoing and parts thereof:		
A	682.70	Permanent magnets	8% ad val	45% ad val.
	682.71	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	682.80	Work holders and parts thereof	7.5% ad val	30% ad val.
A	682.90	Other	5.5% ad val	35% ad val.
	682.91	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	682.95	Primary cells and primary batteries, and parts thereof	8.5% ad val	35% ad val.
		Storage batteries and parts thereof:		
A	683.10	Lead-acid type storage batteries, and parts thereof	8.5% ad val	40% ad val.
	683.11	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	683.15	Other	8% ad val	40% ad val.
	683.16	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	683.20	Hand-directed or -controlled tools with self-contained electric motor, and parts thereof.	5.5% ad val	35% ad val.
		Vacuum cleaners, floor polishers, food grinders, and mixers, juice extractors and other electromechanical appliances, all the foregoing with self-contained electric motors, of types used in the household, hotels, restaurants, offices, schools, or hospitals (but not including factory or other industrial appliances or electrothermic appliances), and parts thereof:		
A	683.30	Vacuum cleaners, floor polishers, and parts thereof	6.5% ad val	35% ad val.
A	683.32	Other	6% ad val	40% ad val.
		Shavers, hairclippers, and scissors, all the foregoing with self-contained electric motors, and parts thereof:		
A	683.40	Hairclippers and parts thereof	10% ad val	45% ad val.
A	683.50	Other	6.5% ad val	35% ad val.
A	683.60	Ignition magnetos, magneto-generators, ignition coils, starter motors, spark plugs, glow plugs, and other electrical starting and ignition equipment for internal combustion engines; generators and cutouts for use in conjunction therewith; all the foregoing and parts thereof.	4% ad val	35% ad val.
	683.61	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	683.65	Electric lighting equipment designed for motor vehicles, and parts thereof.	4% ad val	25% ad val.
	683.66	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Portable electric lamps with self-contained electrical source, and parts thereof:		
A*	683.70	Flashlights and parts thereof	35% ad val	35% ad val.
A*	683.80	Other	13.75% ad val	40% ad val.

See footnotes at end of table.

PART 5—ELECTRICAL MACHINERY AND EQUIPMENT—Continued

[28 F.R. 8935]

	Item	Articles	Rates of duty	
			1	2
		Industrial and laboratory electric furnaces and ovens; electric induction and dielectric heating equipment; electric welding, brazing, and soldering machines and apparatus and similar articles for cutting, and parts thereof:		
A	683.90	Welding machines and apparatus, and parts thereof	4% ad val	35% ad val.
A	683.95	Other	5% ad val	35% ad val.
		Electric instantaneous or storage water heaters and immersion heaters; electric soil heating apparatus, and electric space heating apparatus; electric hair dryers, hair curlers, and other electric hair dressing appliances; electric flatirons; electrothermic kitchen and household appliances; electric heating resistors other than those of carbon; all the foregoing and parts thereof:		
		Flatirons:		
A	684.10	Travel type	5.5% ad val	35% ad val.
A	684.15	Other	17% ad val	40% ad val.
A	684.20	Toasters, waffle irons, skillets, ovens, stoves, coffee makers and other portable electrothermic kitchen and household appliances.	8.5% ad val	40% ad val.
		Other:		
A	684.30	Cooking stoves and ranges, and parts thereof	4% ad val	35% ad val.
A	684.40	Furnaces, heaters, and ovens, and parts thereof	5% ad val	35% ad val.
	684.41	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A*	684.50	Other	5.5% ad val	35% ad val.
		Electrical telegraph (including printing and typewriting) and telephone apparatus and instruments, and parts thereof:		
A	684.62	Telephonic apparatus and instruments and parts thereof.	8.5% ad val	35% ad val.
	684.63	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	684.64	Other	7% ad val	35% ad val.
A	684.70	Microphones; loudspeakers; head phones; audio frequency electric amplifiers; electric sound amplifier sets comprised of the foregoing components; and parts of the foregoing articles (including microphone stands).	7.5% ad val	35% ad val.
	684.71	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and television cameras; record players, phonographs, tape recorders, dictation recording and transcribing machines, record changers, and tone arms; all of the foregoing and any combination thereof, whether or not incorporating clocks or other timing apparatus, and parts thereof:		
A	685.10	Television cameras, and parts thereof	6% ad val	35% ad val.
		Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and parts thereof:		
	685.20	Television apparatus, and parts thereof	5% ad val	35% ad val.
		Other:		
		Solid-state (tubeless) radio receivers:		
	685.21	Designed exclusively for motor-vehicle installation.	10.4% ad val	35% ad val.
A*	685.24	Other	10.4% ad val	35% ad val.
A*	685.25	Other	6% ad val	35% ad val.
	685.30	Radio-phonograph combinations	6.5% ad val	35% ad val.
	685.32	Record players, phonographs, record changers, turn tables, and tone arms, and parts of the foregoing.	5.5% ad val	35% ad val.
A	685.40	Tape recorders and dictation recording and transcribing machines, and parts thereof.	5.5% ad val	35% ad val.
		Other:		
A	685.42	Radio-television-phonograph combinations	7.5% ad val	35% ad val.
	685.50	Other	7.5% ad val	35% ad val.
	685.55	Any article described in the foregoing items 685.20 to 685.50, inclusive, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	685.60	Radio navigational aid apparatus, radar apparatus, and radio remote control apparatus, all the foregoing and parts thereof.	7.5% ad val	35% ad val.
A	685.70	Bells, sirens, indicator panels, burglar and fire alarms, and other sound or visual signalling apparatus, all the foregoing which are electrical, and parts thereof.	4% ad val	35% ad val.
	685.71	If Canadian article and original motor-vehicle equipment (see head note 2, part 6B, schedule 6).	Free	
	685.80	Electrical capacitors, fixed or variable	10% ad val	35% ad val.
	685.81	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

PART 5—ELECTRICAL MACHINERY AND EQUIPMENT—Continued

[28 F.R. 8935]

	Item	Articles	Rates of duty	
			1	2
A*	685.90	Electrical switches, relays, fuses, lightning arresters, plugs, receptacles, lamp sockets, terminals, terminal strips, junction boxes and other electrical apparatus for making or breaking electrical circuits, for the protection of electrical circuits, or for making connections to or in electrical circuits; switchboards (except telephone switchboards) and control panels; all the foregoing and parts thereof.	8.5% ad val	35% ad val.
	685.91	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
	686.10	Resistors, fixed or variable (including potentiometers but not including heating elements), and parts thereof.	6% ad val	35% ad val.
	686.11	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Automatic voltage and voltage-current regulators, with or without cut-out relays, and parts thereof:		
A	686.22	Designed for use in a 6-volt, 12-volt, or 24-volt system.	4% ad val	25% ad val.
	686.23	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	686.24	Other	7.5% ad val	35% ad val.
		Electric filament lamps and electric discharge lamps, including ultraviolet and infrared lamps and photoflash lamps; electric luminescent lamps, and arc lamps:		
		Filament lamps:		
A*	686.30	Christmas tree lamps	10% ad val	20% ad val.
A	686.40	Infrared lamps	4% ad val	20% ad val.
A	686.50	Photoflash lamps	4% ad val	35% ad val.
A	686.60	Sealed-beam lamps	4% ad val	20% ad val.
	686.61	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Other:		
		Designed for operating at less than 100 volts:		
A	686.70	Lamps having glass envelopes not over 0.25 inch in maximum diameter and suitable for use in cystoscopes and other surgical instruments.	18% ad val	55% ad val.
A	686.80	Other	4% ad val	20% ad val.
	686.81	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	686.90	Designed for operating at 100 volts or more.	4% ad val	20% ad val.
A	687.10	Electric discharge lamps, including ultraviolet lamps	5% ad val.*	20% ad val.
A	687.20	Arc lamps	5.5% ad val	35% ad val.
A	687.30	Electric luminescent lamps	5% ad val.*	20% ad val.
		Electronic tubes (except X-ray tubes): photocells; transistors and other related electronic crystal components; mounted piezoelectric crystals; all the foregoing and parts thereof:		
		Television picture tubes:		
	687.35	Color	15% ad val	60% ad val.
	687.36	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Other:		
A	687.37	Having no straight-line dimension across the faceplate that exceeds 16.4 inches.	15% ad val	60% ad val.
	687.38	Other	15% ad val	60% ad val.
	687.39	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, Schedule 6).	Free	
	687.60	Other	6% ad val	35% ad val.
	687.61	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Insulated (including enameled or anodized) electrical conductors, whether or not fitted with connectors (including ignition wiring sets, Christmas tree lighting sets with or without their bulbs, and other wiring sets):		
		Without fittings:		
A	688.04	Containing (exclusive of insulation and sheathing) over 10 percent by weight of the metal copper.	8.5% ad val	40% ad val.
	688.05	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	688.06	Other	7.5% ad val	35% ad val.
	688.07	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		With fittings:		
A*	688.10	Christmas tree lighting sets, with or without their bulbs, and wiring sets similar thereto.	20% ad val	50% ad val.

See footnotes at end of table.

PART 5—ELECTRICAL MACHINERY AND EQUIPMENT—Continued

[28 F.R. 8935]

	Item	Articles	Rates of duty	
			1	2
		Insulated (including enameled or anodized) electrical conductors, etc.—Continued		
		With fittings—Continued		
A*	688.12	Ignition wiring sets and wiring sets designed for use in motor vehicles and craft provided for in part 6 of schedule 6.	5% ad val	30% ad val.
	688.13	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	688.15	Other	8.5% ad val	35% ad val.
	688.16	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Uninsulated electrical conductors:		
A	688.20	Comprised of aluminum wire or strand spirally wound or twisted around a steel or aluminum core.	7.5% ad val	35% ad val.
A	688.25	Flexible, consisting of an assemblage composed of flat wire spirally would or twisted around a textile core, or of two or more of such assemblages plied or twisted together with or without a central textile core.	6% ad val	35% ad val.
		Iron or steel pipes or tubes prepared and coated or lined in any manner suitable for use as conduits for electrical conductors, and iron or steel fittings therefor:		
A	688.30	Pipes or tubes	10% ad val	30% ad val.
A	688.35	Fittings	10% ad val	45% ad val.
A*	688.40	Electrical articles, and electrical parts of articles, not specifically provided for.	5.5% ad val	35% ad val.
	688.41	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

AMENDMENTS

Headnote 1, subpar. (vi), amended by Pub. L. 89-241, §§ 2(a), 36(f)(1), Oct. 7, 1965, 79 Stat. 933, 940, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 682.20 amended by Pub. L. 89-241, §§ 2(a), 52(a), Oct.7, 1965, 79 Stat. 933, 944 to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 682.52 added by Pub. L. 89-241, §§ 2(a), 52(b), Oct. 7, 1965, 79 Stat. 933, 944, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 682.65 added by Pub. L. 89-283, title IV, §§ 401(a), 405(b), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 682.70. Article description preceding item 682.70 and item 682.70 amended by Pub. L. 89-241, §§ 2(a), 36(f)(2), (g), Oct. 7, 1965, 79 Stat. 933, 940, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 682.71 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 682.80 amended by Pub. L. 89-241, §§ 2(a), 36(f)(3), Oct. 7, 1965, 79 Stat. 933, 940, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 682.91 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 683.11 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 683.16 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 683.61 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 683.65 added by Pub. L. 89-241, §§ 2(a), 36(h), Oct. 7, 1965, 79 Stat. 933, 941, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965. Item 683.66 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 684.41 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 684.63 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 684.71 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965. 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Items 685.21 and 685.24 added, and item 685.23 deleted, by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 685.40 substituted in lieu of struck article description preceding items 685.40 and 685.42, and struck items 685.40 and 685.42 by Pub. L. 89-241, § 53(a), (b), Oct. 7, 1965, 79 Stat. 944, to apply with respect to articles entered or withdrawn from warehouse, for consumption after Oct. 7, 1965.

Item 685.55 added by Pub. L. 89-283, title IV, §§ 401(a), 405(b), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 685.71 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 685.81 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 685.91 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 686.11 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 686.20, repealed and article description preceding item 686.22 and items 686.22 and 686.24 substituted in lieu thereof by Pub. L. 89-241, §§ 2(a), 36(i), Oct. 7, 1965, 79 Stat. 933, 941, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 686.23 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 686.61 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 686.81 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Items 687.35, 687.36, 687.40 and 687.41 added, and items 687.50 and 687.51 deleted, by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Items 687.37, 687.38 and 687.39 added, and items 687.40 and 687.41 deleted, by Ex. Ord. No. 11934, Aug. 30, 1976, 41 F.R. 37084.

Item 687.50. Article description preceding items 687.50 and 687.60 and such items 687.50 and 687.60 amended by Pub. L. 89-24, §§ 2(a), 54(a), Oct. 7, 1965, 79 Stat. 933, 944, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 687.51 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 687.61 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 688.04. Article description preceding item 688.04 and items 688.04 and 688.06 substituted in lieu of repealed item 688.05 by Pub. L. 89-241, §§ 2(a), 55, Oct. 7, 1965, 79 Stat. 933, 945, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 688.05, 688.07, 688.16 added by Proc. No. 3743, Sept. 8, 1966, 31 F.R. 12003.

Item 688.12 added by Pub. L. 89-241, §§ 2(a), 36(j), Oct. 7, 1965, 79 Stat. 933, 941, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 688.13 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 688.41 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Past Importations of Ignition Magneto Magnets

Pub. L. 89-241, § 89(a), (c), Oct. 7, 1965, 79 Stat. 950, related to the liquidation or reliquidation of certain ignition magneto magnets which entered or were withdrawn from warehouse after Aug. 30, 1963, and before the 60th day after Oct. 7, 1965.

Staged Rate Modifications

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 682.07, 682.20, 682.30, 682.40, 682.50, 682.52, 682.55, 682.60, 682.70, 682.80, 682.90, 682.95, 683.10, 683.15, 683.20, 683.30, 683.32, 683.40, 683.50, 683.60, 683.65, 683.90, 683.95, 684.10, 684.15, 684.20, 684.30, 684.40, 684.50, 684.62, 684.64, 684.70, 685.10, 685.20, 685.23, 685.25, 685.30, 685.32, 685.40, 685.42, 685.50, 685.60, 685.70, 685.80, 685.90, 686.10, 686.22, 686.24, 686.40, 686.50, 686.60, 686.70, 686.80, 686.90, 687.10, 687.20, 687.30, 687.50, 687.60, 688.04, 688.06, 688.12, 688.15, 688.20, 688.25, 688.35 and 688.40, with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

Part 6—Transportation Equipment

[28 F.R. 8939]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 6 headnotes: 1. This part does not cover— (i) bicycles (see part 5C of schedule 7); or (ii) sleds and toboggans (see part 5D of schedule 7).		
		Subpart A—Rail Locomotives and Rolling Stock		
A	690.05	Rail locomotives and tenders	5.5% ad val	35% ad val.
A	690.10	Self-propelled rail vehicles designed to carry passengers or articles.	11.5% ad val	35% ad val.
		Railroad and railway rolling stock:		
A	690.15	Passenger, baggage, mail, freight and other cars, not self-propelled.	18% ad val	45% ad val.
A	690.20	Workshops, cranes, and other service vehicles	5% ad val	45% ad val.
		Parts of the foregoing articles:		
	690.25	Axles and parts thereof, and axle bars, all of the foregoing of iron or steel.	0.1¢ per lb	0.6¢ per lb.
	690.30	Wheels and parts thereof, of iron or steel; and any of such wheels or parts imported with iron or steel axles fitted in them.	Free	1¢ per lb.
		Other:		
A	690.35	Parts of cars provided for in item 690.15, except brake regulators.	9% ad val	45% ad val.
A	690.40	Other	5.5% ad val	35% ad val.

PART 6—TRANSPORTATION EQUIPMENT—Continued

[28 F.R. 8939]

Subpart B—Motor Vehicles

Subpart B headnote:

1. For the purposes of this subpart—

(a) the term "motor vehicles" includes amphibious motor vehicles;

(b) automobile truck tractors imported with their trailers are, together with their trailers, classifiable in item 692.02, but, if such tractors or trailers are separately imported, they are classifiable in item 692.27.

2. Motor Vehicles and Original Equipment Therefor of Canadian Origin.—(a) The term "original motor-vehicle equipment", as used in the schedules with reference to a Canadian article (as defined by general headnote 3(d)), means such a Canadian article which has been obtained from a supplier in Canada under or pursuant to a written order, contract, or letter of intent of a bona fide motor-vehicle manufacturer in the United States, and which is a fabricated component intended for use as original equipment in the manufacture in the United States of a motor vehicle, but the term does not include trailers or articles to be used in their manufacture.

(b) The term "motor vehicle", as used in this headnote, means a motor vehicle of a kind described in item 692.04 or 692.10 of this subpart (excluding an electric trolley bus and a three-wheeled vehicle) or an automobile truck tractor.

(c) The term "bona fide motor-vehicle manufacturer", as used in this headnote, means a person who, upon application to the Secretary of Commerce, is determined by the Secretary to have produced no fewer than 15 complete motor vehicles in the United States during the previous 12 months, and to have installed capacity in the United States to produce 10 or more complete motor vehicles per 40-hour week. The Secretary of Commerce shall maintain, and publish from time to time in the Federal Register, a list of the names and addresses of bona fide motor-vehicle manufacturers.

(d) If any Canadian article accorded the status of original motor-vehicle equipment is not so used in the manufacture in the United States of motor vehicles, such Canadian article or its value (to be recovered from the importer or other person who diverted the article from its intended use as original motor-vehicle equipment) shall be subject to forfeiture, unless at the time of the diversion of the Canadian article the United States Customs Service is notified in writing, and, pursuant to arrangements made with the Service—

(i) the Canadian article is, under customs supervision, destroyed or exported, or

(ii) duty is paid to the United States Government in an amount equal to the duty which would have been payable at the time of entry if the Canadian article had not been entered as original motor-vehicle equipment.

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Motor vehicles (except motorcycles) for the transport of persons or articles:		
		Automobile trucks valued at $1,000 or more, and motor buses:		
	692.02	Automobile trucks	8.5% ad val.[1]	25% ad val.
	692.03	If Canadian article, but not including any three-wheeled vehicle, or trailer accompanying an automobile truck tractor (see general headnote 3(d)).	Free	
A	692.04	Motor buses	4% ad val	25% ad val.
	692.07	If Canadian article, but not including any electric trolley bus or three-wheeled vehicle (see general headnote 3(d)).	Free	
	692.10	Other	3% ad val	10% ad val.
	692.11	If Canadian article, but not including any three-wheeled vehicle (see general headnote 3(d)).	Free	
		Motor vehicles specially constructed and equipped to perform special services or functions, such as, but not limited to, fire engines, mobile cranes, wreckers, concrete mixers, and mobile clinics:		
A	692.14	Fire engines	8.5% ad val	25% ad val.

See footnotes at end of table.

PART 6—TRANSPORTATION EQUIPMENT—Continued

[28 F.R. 8939]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Motor Vehicles—Continued		
		Motor vehicles specially constructed, etc.—Continued		
A	692.16	Other	5% ad val	25% ad val.
		Chassis, bodies (including cabs), and parts of the foregoing motor vehicles:		
		Bodies (including cabs) and chassis:		
	692.20	For automobile trucks and motor buses	4% ad val	25% ad val.
	692.21	Chassis, if Canadian article, except chassis for an electric trolley bus, or a three-wheeled vehicle; bodies (including cabs), if Canadian article and original motor-vehicle equipment (see headnote 2 of this subpart).	Free	
	692.22	Other	3% ad val	10% ad val.
	692.23	Chassis, if Canadian article, except chassis designed primarily for a vehicle described in item 692.14 or 692.16, or for a three-wheeled vehicle; bodies (including cabs), if Canadian article and original motor-vehicle equipment (see headnote 2 of this subpart).	Free	
		Other:		
	692.24	Cast-iron (except malleable cast-iron) parts, not alloyed and not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues, and risers or to permit location in finishing machinery.	Free	10% ad val.
	692.25	If Canadian article and original motor-vehicle equipment (see headnote 2 of this subpart).	Free	
A*	692.27	Other	4% ad val	25% ad val.
	692.28	Automobile truck tractors, if Canadian article; other articles, if Canadian article and original motor-vehicle equipment (see headnote 2 of this subpart).	Free	
		Tractors (except tractors in item 692.40 and except automobile truck tractors), whether or not equipped with power take-offs, winches, or pulleys, and parts of such tractor:		
	692.30	Tractors suitable for agricultural use, and parts thereof.	Free	Free.
A	692.35	Other	5.5% ad val	27.5% ad val.
A	692.40	Fork-lift trucks, platform trucks and other self-propelled work trucks, and platform tractors; all of the foregoing of off-the-highway types used in factories, warehouses, or transportation terminals for short-distance transport, towing, or handling of articles; and parts of the foregoing trucks and tractors.	4.5% ad val	35% ad val.
A	692.45	Tanks and other self-propelled armored military vehicles, whether or not fitted with weapons, and parts thereof.	5% ad val	35% ad val.
		Motorcycles and parts thereof:		
A	692.50	Motorcycles	5% ad val	10% ad val.
A	692.55	Parts	6% ad val	25% ad val.
A	692.60	Vehicles (including trailers), not self-propelled, not specially provided for, and parts thereof.	8% ad val	45% ad val.
		Subpart C—Aircraft and Spacecraft		
		Subpart C headnotes: 1. This subpart does not cover— (i) guided weapons and missiles or similar weapons of war (see part 5A of schedule 7); or (ii) toy balloons or toy kites (see part 5E of schedule 7). 2. For the purposes of this subpart— (a) the term "aircraft" embraces lighter-than-air aircraft (balloons and airships), heavier-than-air aircraft (airplanes, including machines also capable of use for ground or water transportation; gliders and kites), all the foregoing, however propelled, and whether designed for civilian or military use, but does not include spacecraft; and (b) the term "spacecraft" embraces craft, however propelled, and whether designed for civilian or military use designed for flight beyond the earth's atmosphere.		
		Aircraft and spacecraft, and parts thereof:		
A	694.15	Balloons and airships	4.5% ad val	27.5% ad val.
A	694.20	Gliders	4.5% ad val	27.5% ad val.
A	694.30	Kites, and parts thereof	12.5% ad val	50% ad val.
A	694.40	Airplanes	5% ad val	30% ad val.
A	694.50	Spacecraft	5% ad val	27.5% ad val.
A	694.60	Other parts	5% ad val	27.5% ad val.
A	694.70	Parachutes and parts thereof	15% ad val	50% ad val.

See footnotes at end of table.

PART 6—TRANSPORTATION EQUIPMENT—Continued

[28 F.R. 8939]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart D—Pleasure Boats; Floating Structures		
		Subpart D headnote:		
		1. This subpart does not cover—		
		(i) yachts or pleasure boats provided for in items 696.05-.10 if in use or intended to be used in trade or commerce, or if brought into the United States by nonresidents thereof for their own use in pleasure cruising; or		
		(ii) vessels which are not yachts or pleasure boats (see general headnote 5(e)).		
		Yachts or pleasure boats, regardless of length or tonnage, whether motor, sail, or steam propelled, owned by a resident of the United States or brought into the United States for sale or charter to a resident thereof, whether or not such yachts or boats are brought into the United States under their own power; and parts thereof:		
		Yachts or pleasure boats:		
A	696.05	Valued not over $15,000 each	2% ad val	30% ad val.
A	696.10	Valued over $15,000 each	5% ad val	30% ad val.
A	696.15	Parts	6% ad val	30% ad val.
		Canoes, racing shells, pneumatic craft, and pleasure boats not specially provided for which are not of a type designed to be chiefly used with motors or sails; and parts of the foregoing:		
A	696.30	Canoes and canoe paddles, of wood or bark	4% ad val	35% ad val.
A*	696.35	Pneumatic craft	6% ad val	25% ad val.
A	696.40	Other	10% ad val	45% ad val.
A	696.50	Floating docks and parts thereof	5% ad val	35% ad val.
A	696.60	Buoys, beacons, landing stages, cofferdams, rafts, and other floating structures (except vessels).	9.5% ad val	45% ad val.

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[*] For explanation of the symbol "A" or "A*" in the column marked "GSP", see general headnote 3(c).

[*] For explanation of the asterisk "*" in the Rates of Duty Columns, see general headnote 3(g).

(s)=Suspended. See general headnote 3(b).

[1] Duty suspended through July 15, 1964. See Appendix to Tariff Schedules.

[2] Absolute quotas imposed on lead and zinc content of ores and certain other products pursuant to escape-clause proclamation. See Appendix to Tariff Schedules.

[3] The duty has been suspended until June 30, 1964. See Appendix to Tariff Schedules.

[4] Copper waste and scrap and certain copper articles are the subject of temporary legislation. See part 1B of the Appendix to the Tariff Schedules.

[5] Unwrought lead and lead waste and scrap are subject to quotas pursuant to an escape-clause proclamation. See part 2A of the Appendix to the Tariff Schedules.

[6] Unwrought zinc and zinc waste and scrap are subject to quotas pursuant to an escape-clause proclamation. See part 2A of the Appendix to the Tariff Schedules.

[7] The duty on waste and scrap has been suspended to June 30, 1964. See Appendix to Tariff Schedules.

[8] Certain stainless steel knives are subject to higher rates of duty on overquota imports under tariff-rate quota established by escape-clause proclamation. See Appendix to Tariff Schedules.

[9] Certain stainless steel forks and spoons are subject to higher rates of duty on overquota imports under tariff-rate quota established by escape-clause proclamation. See Appendix to Tariff Schedules.

[10] Certain copying lathes for making shoe lasts are free of duty under temporary legislation. See Appendix to Tariff Schedules.

AMENDMENTS

Subpart B, headnote 1(b), amended by Pub. L. 89-283, title IV, §§ 401(a), 405(a), Oct. 21, 1965, 79 Stat. 1021, 1023, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Subpart B, headnote 2, added by Pub. L. 89-283, title IV, §§ 401(a), 404, Oct. 21, 1965, 79 Stat. 1021, 1022, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 690.35 amended by Pub. L. 89-241, §§ 2(a), 56, Oct. 7, 1965, 79 Stat. 933, 945, to apply with respect to articles entered or withdrawn from warehouse, for consumption after the 60th day after Oct. 1965.

Item 692.06 added by Pub. L. 89-283, title IV, §§ 401(a), 405(a), Oct. 21, 1965, 79 Stat. 1021, 1023, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 692.11 added by Pub. L. 89-283, title IV, §§ 401(a), 405(a), Oct. 21, 1965, 79 Stat. 1021, 1023, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 692.21 added by Pub. L. 89-283, title IV, §§ 401(a), 405(a), Oct. 21, 1965, 79 Stat. 1021, 1023, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 692.23 added by Pub. L. 89-283, title IV, §§ 401(a), 405(a), Oct. 21, 1965, 79 Stat. 1021, 1023, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 692.25 added by Pub. L. 89-283, title IV, §§ 401(a), 405(a), Oct. 21, 1965, 79 Stat. 1021, 1023, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title. Former item 692.25 redesignated 692.27.

Item 692.27, formerly 692.25, so redesignated by Pub. L. 89-283, title IV, §§ 401(a), 405(a), Oct. 21, 1965, 79 Stat. 1021, 1023, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 692.28 added by Pub. L. 89-283, title IV, §§ 401(a), 405(a), Oct. 21, 1965, 79 Stat. 1021, 1023, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 690.05, 690.20, 690.25, 690.30, 690.35, 690.40, 692.04, 692.10, 692.14, 692.16, 692.20, 692.22, 692.24, 692.27, 269.35, 692.40, 692.45, 692.50, 692.55, 694.15, 694.20, 694.30, 694.40, 694.50, 694.60, 694.70, 696.05, 696.10, 696.15, 696.30, 696.40, 696.50 and 696.60, effective with respect to articles entered on and after Jan 1, 1968, Jan 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

SCHEDULE 7—SPECIFIED PRODUCTS; MISCELLANEOUS AND NONENUMERATED PRODUCTS

[28 F.R. 8943]

- Part 1—Footwear; Headwear and Hat Braids; Gloves; Luggage, Handbags, Billfolds, and Other Flat Goods.
  - A. Footwear.
  - B. Headwear and Hat Braids.
  - C. Gloves.
  - D. Luggage; Women's and Children's Handbags; and Billfolds, Card Cases, Coin Purses, and Similar Flat Goods.
- Part 2—Optical Goods; Scientific and Professional Instruments; Watches, Clocks, and Timing Devices; Photographic Goods; Motion Pictures; Recordings and Recording Media.
  - A. Optical Elements, Spectacles, Microscopes, and Telescopes, Optical Goods Not Elsewhere Provided for.
  - B. Medical and Surgical Instruments and Apparatus; X-Ray Apparatus.
  - C. Surveying, Navigational, Meteorological, Drawing, and Mathematical Calculating Instruments; Measuring and Checking Instruments Not Specially Provided for.
  - D. Measuring, Testing, and Controlling Instruments.
  - E. Watches, Clocks, and Timing Apparatus.
  - F. Photographic Equipment and Supplies.
  - G. Motion Pictures; Tape Recordings, Phonograph Records, and Other Recordings; Recording Media; Scrap and Waste Photographic Film.
- Part 3—Musical Instruments, Parts, and Accessories.
  - A. Musical Instruments.
  - B. Musical Instrument Parts and Accessories.
- Part 4—Furniture; Pillows, Cushions, and Mattresses; Nontextile Floor Coverings.
  - A. Furniture, Pillows, Cushions, and Mattresses.
  - B. Nontextile Floor Coverings.
- Part 5—Arms and Ammunition; Fishing Tackle; Wheel Goods; Sporting Goods, Games and Toys.
  - A. Arms and Ammunition.
  - B. Fishing Tackle.
  - C. Wheel Goods.
  - D. Games and Sporting Goods.
  - E. Models; Dolls, Toys, Tricks, Party Favors.
- Part 6—Jewelry and Related Articles; Cameos; Natural, Cultured, and Imitation Pearls; Imitation Gemstones; Beads and Articles of Beads.
  - A. Jewelry and Related Articles.
  - B. Cameos; Natural, Cultured, and Imitation Pearls; Imitation Gemstones; Beads and Articles of Beads.
- Part 7—Buttons, Buckles, Pins, and Other Fastening Devices; Artificial and Preserved Flowers and Foliage; Millinery Ornaments; Trimmings; and Feather Products.
  - A. Buttons, Buckles, Pins, Hooks and Eyes, and Slide Fasteners.
  - B. Artificial and Preserved Flowers and Foliage; Millinery Ornaments; Trimmings; and Feather Products.
- Part 8—Combs; Hair Ornaments; Brooms and Brushes; Paint Rollers; Umbrellas and Canes.
  - A. Combs, Hair Ornaments, Brooms and Brushes, Paint Rollers.
  - B. Umbrellas, Walking Sticks, Whips, Riding Crops, and Parts Thereof.
- Part 9—Matches and Pyrotechnics; Candles; Blasting Caps; Smokers' Articles.
  - A. Matches, Pyrotechnics, Candles, Blasting Caps.
  - B. Cigar and Cigarette Lighters and Holders; Tobacco Pipes.
- Part 10—Pens, Pencils, Leads, Crayons, and Chalks.
- Part 11—Works of Art; Antiques.
  - A. Works of Art.
  - B. Antiques.
- Part 12—Rubber and Plastics Products.
  - A. Reinforced or Laminated Plastics; Foam or Sponge Rubber and Plastics.
  - B. Rubber and Plastics Waste and Scrap; Rubber and Plastics Film, Strips, Sheets, Plates, Slabs, Blocks, Filaments, Rods, Tubing and Other Profile Shapes.
  - C. Specified Rubber and Plastics Products.
  - D. Articles Not Specially Provided for, of Rubber or Plastics.
- Part 13—Products Not Elsewhere Enumerated.
  - A. Miscellaneous Products.
  - B. Articles of Fur and of Leather.
  - C. Articles of Gelatin, Glue, Gut, Wax, Bone, Horn, Hoof, Whalebone, Quill, Shell, Ivory, or Sponge.
  - D. Waste and Scrap.
- Part 14—Nonenumerated Products.

PART 1—FOOTWEAR; HEADWEAR AND HAT BRAIDS; GLOVES; LUGGAGE, HANDBAGS, BILLFOLDS, AND OTHER FLAT GOODS

[28 F.R. 8945]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Footwear *Subpart A headnotes:* 1. This subpart covers boots, shoes, slippers, sandals, moccasins, slipper socks (socks with applied soles of leather or other material), scuffs, overshoes, rubbers, arctics, galoshes, and all allied footwear (including athletic or sporting boots and shoes) of whatever material composed, and by whatever method constructed, all the foregoing designed for human wear except— (i) footwear with permanently attached skates or snowshoes (see part 5D of this schedule), (ii) hosiery (see part 6C of schedule 3), and (iii) infants' knit footwear (see part 6F of schedule 3).		

PART 1—FOOTWEAR; HEADWEAR AND HAT BRAIDS; GLOVES; LUGGAGE, HANDBAGS, BILLFOLDS, AND OTHER FLAT GOODS—Continued

[28 F.R. 8945]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Footwear—Continued		
		Subpart A headnotes—Continued		
		2. For the purposes of this subpart—		
		(a) the term "huaraches" (item 700.05) means a type of leather-soled sandal having a woven-leather upper laced to the insole, with the insole machine-stitched to the outsole, and having a heel which is nailed on;		
		(b) the term "McKay-sewed footwear" (item 700.10) means footwear the soles of which are sewed to the upper by means of a McKay chainstitch, with the stitching passing through the outsole, upper, lining, and insole;		
		(c) the term "moccasins" (item 700.15) means footwear of the American Indian handicraft type, having no line of demarcation between the soles and the uppers;		
		(d) the term "welt footwear" (items 700.25, through 700.29) means footwear constructed with a welt, which extends around the edge of the tread portion of the sole, and in which the welt and shoe upper are sewed to a lip on the surface of the insole, and the outsole of which is sewed or cemented to the welt;		
		(e) the term "slippers" (item 700.32) means footwear of the slip-on type without laces, buckles, zippers, or other closures, the heel of which is of underwedge construction, and (1) having a leather upper permanently trimmed with a real or imitation fur collar, or (2) having a leather upper and a split leather tread sole (including heel) held together by a blown sponge-rubber midsole created and simultaneously vulcanized thereto;		
		(f) the term "footwear for men, youths, and boys" (item 700.35) covers footwear of American youths' size 11½ and larger for males, and does not include footwear commonly worn by both sexes; and		
		(g) the term "fibers" means unspun fibrous vegetable materials, vegetable fibers, wool, silk, or other animal fibers, man-made fibers, paper yarns, or any combination thereof.		
		3. (a) For the purposes of items 700.51 through 700.58, the rubber or plastics forming the exterior surface area specified, if supported by fabric or other material, must coat or fill the supporting material with a quantity of rubber or plastics sufficient to visibly and significantly affect the surface otherwise than by change in color, whether or not the color has been changed thereby.		
		(b) Subject to the provisions of section 336(f) of this Act, the merchandise in item 700.60 shall be subject to duty upon the basis of the American selling price, as defined in section 402 or 402a of this Act, of like or similar articles manufactured or produced in the United States.		
		Footwear, of leather (except footwear with uppers of fibers):		
	700.05	Huaraches	20% ad val	20% ad val.
	700.10	McKay-sewed footwear	10% ad val	30% ad val.
	700.15	Moccasins	10% ad val	20% ad val.
	700.20	Turn or turned footwear	2.5% ad val	10% ad val.
		Welt footwear:		
	700.25	Valued not over $2 per pair	17% ad val	20% ad val.
	700.26	Valued over $2 but not over $5 per pair	17¢ per pair	20% ad val.
	700.27	Valued over $5 but not over $6.80 per pair	5% ad val	20% ad val.
		Valued over $6.80 per pair:		
	700.28	Ski boots	Free	20% ad val.
	700.29	Other	5% ad val	20% ad val.
	700.30	Footwear with molded soles laced to uppers	5% ad val	20% ad val.
	700.32	Slippers	5% ad val	20% ad val.
		Other:		
	700.35	For men, youths, and boys	8.5% ad val	20% ad val.
		For other persons:		
	700.41	Sandals of buffalo leather, the uppers of which consist primarily of straps across the instep and big toe.	10% ad val	20% ad val.
		Other:		
	700.43	Valued not over $2.50 per pair	15% ad val	20% ad val.
	700.45	Valued over $2.50 per pair	10% ad val	20% ad val.

PART 1—FOOTWEAR; HEADWEAR AND HAT BRAIDS; GLOVES; LUGGAGE, HANDBAGS, BILLFOLDS, AND OTHER FLAT GOODS—Continued

[28 F.R. 8945]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Footwear—Continued		
		Footwear (whether or not described elsewhere in this subpart) which is over 50 percent by weight of rubber or plastics or over 50 percent by weight of fibers and rubber or plastics with at least 10 percent by weight being rubber or plastics:		
		Hunting boots, galoshes, rainwear, and other footwear designed to be worn over, or in lieu of, other footwear as a protection against water, oil, grease, or chemicals or cold or inclement weather, all the foregoing having soles and uppers of which over 90 percent of the exterior surface area is rubber or plastics (except footwear with uppers of nonmolded construction formed by sewing the parts thereof together and having exposed on the outer surface a substantial portion of functional stitching):		
	700.51	Having soles and uppers of which over 90 percent of the exterior surface area is polyvinyl chloride, whether or not supported or lined with polyvinyl chloride but not otherwise supported or lined.	12.5% ad val	25% ad val.
	700.52	Footwear (except footwear provided for in item 700.51), the uppers of which do not extend above the ankle, designed for use without closures, whether or not supported or lined.	25% ad val	50% ad val.
	700.53	Other	37.5% ad val	75% ad val.
		Other footwear (except footwear having uppers of which over 50 percent of the exterior surface area is leather):		
		Having uppers of which over 90 percent of the exterior surface area is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper):		
A*	700.54	Zoris (thonged sandals)	6% ad val	35% ad val.
	700.58	Other	6% ad val.	35% ad val.
	700.60	Other	20% ad val	35% ad val.
		Footwear, with uppers of fibers:		
		With soles of leather:		
	700.66	Valued not over $2.50 per pair	15% ad val	35% ad val.
	700.68	Valued over $2.50 per pair	10% ad val	35% ad val.
		With soles of material other than leather:		
	700.70	With uppers of vegetable fibers	7.5% ad val	35% ad val.
	700.75	With soles and uppers of wool felt	7% ad val	35% ad val.
	700.80	Other	12.5% ad val	35% ad val.
		Other footwear:		
	700.83	Of wood	8% ad val	33⅓% ad val.
	700.85	Other	12.5% ad val	35% ad val.
		Subpart B—Headwear and Hat Braids		
		Subpart B headnote:		
		1. For the purposes of this subpart—		
		(a) the term "headwear" includes hats, caps, berets, bonnets, hoods, and all other head coverings, of whatever material composed (including bodies, forms, plateaux, manchons, and shapes for headwear), designed for human wear, except infants' knit headwear, but does not include mufflers, scarves, shawls, mantillas, veils, and similar articles; hair nets; hair ornaments; or wigs and similar articles; and		
		(b) the term "caps" (items 702.15 and 702.20) means headwear without a brim but with a shade or visor in front.		
		Headwear, of vegetable fibers, of unspun fibrous vegetable materials, of real horsehair, of paper yarn, or of any combination thereof:		
		Of cotton, flax, or both:		
		Knit:		
	702.06	Of cotton—(62)	21% ad val	45% ad val.
A*	702.08	Other	21% ad val	45% ad val.
		Not knit:		
	702.12	Certified hand-loomed and folklore products; and headwear of cotton.	20% ad val	37.5% ad val.
A	702.14	Other	20% ad val	37.5% ad val.
		Other:		
		Caps:		
A	702.15	Of paper yarn	17.5% ad val	35% ad val.
A*	702.20	Of materials other than paper yarn	5% ad val	25% ad val.

See footnotes at end of table.

PART 1—FOOTWEAR; HEADWEAR AND HAT BRAIDS; GLOVES; LUGGAGE, HANDBAGS, BILLFOLDS, AND OTHER FLAT GOODS—Continued

[28 F.R. 8945]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Headwear and Hat Braids—Continued		
		Headwear, of vegetable fibers, etc.—Continued		
		Other—Continued		
		Headwear other than caps:		
		Sewed, whether or not blocked or trimmed:		
		Of straw:		
A	702.25	Not blocked and not trimmed	85¢ per doz.+8.5% ad val	$3 per doz.+50% ad val.
		Blocked or trimmed:		
A	702.28	Valued not over $15 per dozen	94¢ per doz.+8% ad val	$3 per doz.+50% ad val.
A	702.30	Valued over $15 per dozen	80¢ per doz.+6% ad val	$3 per doz.+50% ad val.
A	702.32	Of materials other than straw	60¢ per doz.+10% ad val	$3 per doz.+50% ad val.
		Not sewed, not blocked, and not trimmed:		
A	702.35	Of palm leaf or of pandan, and valued not over $3 per dozen.	6.25% ad val	25% ad val.
		Other:		
A	702.37	Not bleached and not colored	10% ad val	25% ad val.
A	702.40	Bleached or colored	6¢ per doz.+5% ad val	25¢ per doz.+25% ad val.
		Not sewed, but blocked or trimmed:		
A*	702.45	Valued not over $3 per dozen	25% ad val	25% ad val.
A	702.47	Other	$1.02 per doz.+5% ad val	$3.50 per doz.+50% ad val.
		Headwear, of wool:		
		Knit:		
	702.54	Valued not over $2 per pound	33¢ per lb.+18% ad val	44¢ per lb.+45% ad val.
	702.56	Valued over $2 per pound	37.5¢ per lb.+25% ad val	50¢ per lb.+50% ad val.
		Felt, not knit or woven:		
	702.60	Not pulled, not stamped, not blocked, and not trimmed.	12¢ per lb.+27.5% ad val	40¢ per lb. + 55% ad val.
		Pulled, stamped, blocked, or trimmed:		
	702.65	Valued not over $12 per dozen	15¢ per lb. + 20% ad val. + 4¢ per article.	40¢ per lb. + 55% ad val. + 12.5¢ per article.
	702.70	Valued over $12 per dozen	15¢ per lb. + 15% ad val. + 4¢ per article.	40¢ per lb. + 55% ad val. + 12.5¢ per article.
		Other headwear of wool:		
	702.75	Valued not over $4 per pound	25¢ per lb. + 21% ad val	33¢ per lb. + 45% ad val.
	702.80	Valued over $4 per pound	37.5¢ per lb. + 21% ad val.	50¢ per lb. + 50% ad val.
		Headwear of silk:		
A	702.85	For men or boys	40¢ each + 8% ad val	$2 each + 75% ad val.
		For other persons:		
A	702.90	Knit	10% ad val	60% ad val.
A	702.95	Not knit	16% ad val	65% ad val.
		Headwear, of man-made fibers:		
	703.05	Wholly or in part of braid	18% ad val	90% ad val.
		Not in part of braid:		
	703.10	Knit	25¢ per lb. + 20% ad val	45¢ per lb. + 65% ad val.
	703.15	Not knit	25¢ per lb. + 20% ad val	45¢ per lb. + 65% ad val.
		Headwear, of fur not on the skin:		
		For men or boys:		
A	703.20	Valued not over $12 per dozen	27.5% ad val	65% ad val.
A	703.25	Valued over $12 but not over $18 per dozen	23.5% ad val	65% ad val.
A	703.30	Valued over $18 but not over $30 per dozen	20% ad val	65% ad val.
A	703.35	Valued over $30 per dozen	$2.75 per doz. + 4% ad val.	$16 per doz. + 25% ad val.
		For other persons:		
A	703.40	Valued not over $9 per dozen	55% ad val	60% ad val.
A	703.45	Valued over $9 but not over $24 per dozen	65% ad val	70% ad val.
A	703.50	Valued over $24 but not over $30 per dozen	20% ad val	70% ad val.
A	703.55	Valued over $30 per dozen	$3.40 per doz. + 5% ad val.	$16 per doz. + 25% ad val.
A	703.60	Headwear, of fur on the skin	12.5% ad val	50% ad val.
A*	703.65	Headwear, of leather	6% ad val	35% ad val.
		Headwear, of rubber or plastics:		
A	703.70	Of reinforced or laminated plastics	10¢ per lb. + 8.5% ad val	50¢ per lb. + 40% ad val.
A	703.72	Other	6% ad val	25% ad val.
A*	703.75	Other headwear	8.5% ad val	35% ad val.
		Nonelastic braids and other nonelastic braided materials suitable for making or ornamenting headwear:		
		Of abaca, of ramie, of unspun fibrous vegetable materials, of real horsehair, of paper, or of any combination thereof:		
		Not in substantial part of man-made fibers:		
A	703.80	Not bleached and not colored	2% ad val	15% ad val.
A	703.85	Bleached or colored	5% ad val	25% ad val.
	703.90	In substantial part of man-made fibers	5% ad val	45% ad val.
	703.95	Of textile materials (except abaca and ramie)	9% ad val	90% ad val.
		Subpart C—Gloves		
		Subpart C headnotes:		
		1. For the purposes of this subpart—		
		(a) the term "gloves" includes all gloves and mittens designed for human wear, except boxing gloves, golf gloves, baseball gloves, and other gloves specially designed for use in sports; and		
		(b) the term "glove linings" includes all linings for gloves, as defined in (a) supra.		

See footnotes at end of table.

PART 1—FOOTWEAR; HEADWEAR AND HAT BRAIDS; GLOVES; LUGGAGE, HANDBAGS, BILLFOLDS, AND OTHER FLAT GOODS—Continued

[28 F.R. 8945]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Gloves—Continued		
		Subpart C headnotes—Continued		
		2. In determining the component material of chief value in gloves—		
		(a) lining and applied cuffs shall be disregarded, and		
		(b) any leather component shall be disregarded unless the area of such leather is over 50 percent of the external surface area of the gloves exclusive of applied cuffs.		
		3. The length of gloves (items 705.62, 705.64, and 705.67 through 705.71) shall be the extreme length thereof when extended to their fullest dimension, including the unfolded length of cuffs or other appendages.		
		4. Subject to the provisions of section 336(f) of this Act, the merchandise provided for in item 704.55 shall be subject to duty upon the basis of the American selling price, as defined in section 402 or 402a of this Act, of like or similar articles manufactured or produced in the United States.		
		Gloves and glove linings, of textile materials:		
		Lace or net gloves, whether or not ornamented, and other gloves ornamented:		
		Of vegetable fibers:		
		Made from a preexisting machine-knit or -woven fabric, or any combination of such fabrics:		
	704.05	Woven	25% ad val	25% ad val.
	704.10	Not woven	25% ad val	61% ad val.
	704.15	Other	25% ad val	90% ad val.
		Of wool:		
	704.20	Embroidered	50% ad val	90% ad val.
		Not embroidered:		
	704.25	Not appliqued, and not ornamented with beads, bugles, or spangles.	45% ad val	90% ad val.
	704.30	Appliqued, or ornamented with beads, bugles, or spangles.	50% ad val	90% ad val.
		Of materials other than vegetable fibers or wool:		
	704.32	Of man-made fibers	30% ad val	90% ad val.
A*	704.34	Other	30% ad val	90% ad val.
		Gloves not of lace or net and not ornamented, and glove linings:		
		Of vegetable fibers:		
		Made from a preexisting machine-knit or -woven fabric, or any combination of such fabrics:		
	704.40	Woven	25% ad val	25% ad val.
	704.45	Not woven	25% ad val	61% ad val.
	704.50	Other	25% ad val	45% ad val.
		Of wool:		
		Gloves:		
		Valued not over $1.75 per dozen prs:		
	704.55	Knit (see headnote 4 of this subpart)	30¢ per lb. + 26% ad val	40¢ per lb. + 35% ad val.
	704.56	Not knit	20¢ per lb. + 17.5% ad val.	40¢ per lb. + 35% ad val.
	704.60	Valued over $1.75 but not over $4 per dozen prs.	37.5¢ per lb. + 50% ad val.	50¢ per lb. + 50% ad val.
	704.65	Valued over $4 per dozen pairs	37.5¢ per lb. + 18.5% ad val.	50¢ per lb. + 50% ad val.
	704.70	Glove linings	37.5¢ per lb. + 15% ad val.	50¢ per lb. + 50% ad val.
		Of silk:		
A	704.75	Knit	12% ad val	60% ad val.
A	704.80	Not knit	16% ad val	65% ad val.
		Of manmade fibers:		
	704.85	Knit	25¢ per lb. + 32.5% ad val.	45¢ per lb. + 65% ad val.
	704.90	Not knit	25¢ per lb. + 27.5% ad val.	45¢ per lb. + 65% ad val.
A	704.95	Of other materials	10% ad val	40% ad val.
A	705.30	Gloves and glove linings of fur on the skin	10% ad val	50% ad val.
	705.35	Gloves of horsehide or cowhide (except calfskin) leather	15% ad val	25% ad val.
		Gloves of leather except gloves in item 705.35:		
		Not seamed:		
	705.40	Valued not over $20 per dozen pairs	$5 per doz. prs	$10 per doz. prs.
	705.42	Valued over $20 per dozen pairs	25% ad val	50% ad val.
		Seamed:		
		Men's, not lined:		
		Seamed wholly or in part by hand:		
	705.43	Valued not over $20 per dozen pairs	$5 per doz. prs	$12 per doz. prs.
	705.45	Valued over $20 but not over $24 per dozen pairs.	25% ad val	$12 per doz. prs.
	705.46	Valued over $24 per dozen pairs	25% ad val	50% ad val.
		Not seamed wholly or in part by hand:		
	705.48	Valued not over $20 per dozen pairs	$5 per doz. prs	$10 per doz. prs.
	705.50	Valued over $20 per doz pairs	25% ad val	50% ad val.

See footnotes at end of table.

PART 1—FOOTWEAR; HEADWEAR AND HAT BRAIDS; GLOVES; LUGGAGE, HANDBAGS, BILLFOLDS, AND OTHER FLAT GOODS—Continued

[28 F.R. 8945]

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Subpart C—Gloves—Continued		
		Gloves of leather except gloves in item 705.35—Continued		
		Seamed—Continued		
		Men's lined:		
		Seamed wholly or in part by hand:		
	705.51	Valued not over $20 per dozen pairs	$5 per doz. prs	$15 per doz. prs.
	705.53	Valued over $20 but not over $30 per dozen pairs.	25% ad val	$15 per doz. prs.
	705.54	Valued over $30 per dozen pairs	25% ad val	50% ad val.
		Not seamed wholly or in part by hand:		
	705.55	Valued not over $20 per dozen pairs	$5 per doz. prs	$13 per doz. prs.
	705.57	Valued over $20 but not over $26 per dozen pairs.	25% ad val	$13 per doz. prs.
	705.58	Valued over $26 per dozen pairs	25% ad val	50% ad val.
		Women's or children's, not lined:		
		Seamed wholly or in part by hand:		
	705.60	Valued not over $20 per dozen pairs	$6 per doz. prs	$10 per doz. prs.
		Valued over $20 per dozen pairs:		
	705.62	Not over 12 inches in length	30% ad val	50% ad val.
	705.64	Over 12 inches in length	30% ad val	50% ad val.
		Not seamed wholly or in part by hand:		
	705.66	Valued not over $15 per dozen pairs	$6 per doz. prs	$7.50 per doz. prs.
		Valued over $15 but not over $20 per dozen pairs:		
	705.67	Not over 12 inches in length	$6 per doz. prs	50% ad val.
		Over 12 inches in length:		
	705.68	Valued not over $17.71 per dozen pairs.	35% ad val	50% ad val.
	705.69	Valued over $17.71 per dozen pairs	$6 per doz. prs	50% ad val.
		Valued over $20 per dozen pairs:		
	705.70	Not over 12 inches in length	30% ad val	50% ad val.
	705.71	Over 12 inches in length	30% ad val	50% ad val.
		Women's or children's, lined:		
		Seamed wholly or in part by hand:		
	705.72	Valued not over $32 per dozen pairs	$7 per doz. prs	$18 per doz. prs.
	705.73	Valued over $32 but not over $36 per dozen pairs.	22% ad val	$18 per doz. prs.
	705.74	Valued over $36 per dozen pairs	22% ad val	50% ad. val.
		Not seamed wholly or in part by hand:		
	705.76	Valued not over $32 per dozen pairs	$7 per doz. prs	$16 per doz. prs.
	705.78	Valued over $32 per dozen pairs	22% ad val	50% ad val.
		Gloves of rubber or plastics:		
	705.84	Seamless	5% ad val	25% ad val.
	705.85	With textile fabric fourchettes or sidewalls; or with the outer surface thereof (except as to applied cuffs, if any) wholly of plastics, and the seams of which are heat sealed and not sewn or stitched.	15% ad val	25% ad val.
	705.86	Other	35% ad val	75% ad val.
A	705.90	Other gloves and glove linings	5% ad val	25% ad val.

Subpart D—Luggage; Women's and Children's Handbags; and Billfolds, Card Cases, Coin Purses, and Similar Flat Goods

Subpart D headnotes:

1. This subpart does not cover:
   (i) sewing sets, and pedicure or manicure sets, and combinations thereof (see part 3E of schedule 6);
   (ii) cases for musical instruments (see part 3B of this schedule);
   (iii) cases suitable for pipes or for cigar or cigarette holders (see part 9B of this schedule); or
   (iv) cases, purses, or boxes provided for in part 6A of this schedule.
2. For the purposes of the tariff schedules—
   (a) the term "luggage" covers—
   (i) travel goods, such as trunks, hand trunks, lockers, valises, satchels, suitcases, wardrobe cases, overnight bags, pullman bags, gladstone bags, traveling bags, knapsacks, kitbags, haversacks, duffle bags, and like articles designed to contain clothing or other personal effects during travel; and
   (ii) brief cases, portfolios, school bags, photographic equipment bags, golf bags, camera cases, binocular cases, gun cases, occupational luggage cases (physicians', sample, etc.), and like containers and cases designed to be carried with the person, except handbags as defined herein;
   (b) the term "handbags" covers pocketbooks, purses, sholder bags, clutch bags, and all similar articles, by whatever name known, customarily carried by women or girls, but not including luggage or flat goods as defined herein or shopping bags; and

PART 1—FOOTWEAR; HEADWEAR AND HAT BRAIDS; GLOVES; LUGGAGE, HANDBAGS, BILLFOLDS, AND OTHER FLAT GOODS—Continued

[28 F.R. 8945]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart D—Luggage; Women's and Children's Handbags; and Billfolds, Card Cases, Coin Purses, and Similar Flat Goods—Continued		
		Subpart D headnotes—Continued		
		(c) the term "flat goods" covers small flatwares designed to be carried on the person, such as banknote cases, bill cases, billfolds, bill purses, bill rolls, card cases, change purses, cigarette cases, coin purses, coin holders, compacts, currency cases, key cases, letter cases, licence cases, money cases, pass cases, passport cases, powder cases, spectacle cases, stamp cases, vanity cases, tobacco pouches, and similar articles.		
		3. For the purposes of this subpart—		
		(i) locks and other hardware fittings, frameworks, and linings, and		
		(ii) bottle, dining, drinking, manicure, sewing, traveling, or similar sets fitted into luggage and handbags shall be disregarded in determining the component material of chief value in the products.		
		Luggage and handbags, whether or not fitted with bottle, dining, drinking, manicure, sewing, traveling, or similar sets; and flat goods:		
		Of leather:		
		Flat goods:		
A	706.04	Of reptile leather	7% ad val	35% ad val.
	706.05	Other	8% ad val	35% ad val.
		Luggage and handbags:		
	706.06	Of reptile leather	8.5% ad val	35% ad val.
	706.08	Other	10% ad val	35% ad val.
		Of unspun fibrous vegetable materials:		
	706.10	Of bamboo	12.5% ad val	50% ad val.
	706.11	Of willow	10% ad val	50% ad val.
	706.12	Of rattan or of palm leaf	25% ad val	50% ad val.
	706.14	Other	8.5% ad val	50% ad val.
		Of textile materials (except yarns, of paper), whether or not ornamented:		
	706.20	Wholly or in part of braid	21% ad val	90% ad val.
		Other:		
		Of vegetable fibers and not of pile or tufted construction:		
	706.22	Of cotton	15% ad val	40% ad val.
	706.23	Other	6.5% ad val	40% ad val.
	706.24	Other	20% ad val	65% ad val.
	706.30	Of reinforced or laminated plastics	10.5¢ per lb.+8.5% ad val	50¢ per lb.+40% ad val.
		Of other materials:		
		Handbags:		
A*	706.40	Of beads, of bugles, of spangles, of imitation gemstones, or of any combination thereof.	20% ad val	60% ad val.
A	706.45	Of metal	17.5% ad val	110% ad val.
A	706.47	Of paper yarns	17.5% ad val	35% ad val.
		Flat goods, of metal:		
A	706.50	Valued not over $5 per dozen	22% ad val	110% ad val.
	706.55	Valued over $5 per dozen	17.5% ad val	110% ad val.
	706.60	Other	20% ad val	45% ad val.

See footnotes at end of table.

AMENDMENTS

Subpart A, headnote 3(a), amended by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Subpart A, headnote 3(b), amended by Pub. L. 89-241, §§ 2(a), 57(a), Oct. 7, 1965, 79 Stat. 933, 945, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 700.50 struck out and article description preceding item 700.51 and items 700.51, 700.52, and 700.53 substituted in lieu thereof by Pub. L. 89-241, §§ 2(a), 57(b), Oct. 7, 1965, 79 Stat. 933, 945, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 700.54 and 700.58 added, and item 700.55 deleted, by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Items 702.06, 702.08, 702.12 and 702.14 added, and items 702.05 and 702.10 deleted, by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 702.35 amended by Pub. L. 89-241, §§ 2(a), 58, Oct. 7, 1965, 79 Stat. 933, 945, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 703.20. Article description preceding item 703.20 amended by Pub. L. 89-241, §§ 2(a), 59, Oct. 7, 1965, 79 Stat. 933, 945, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 704.32 and 704.34 added, and item 704.35 deleted, by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

PAST IMPORTATIONS OF CERTAIN ARTICLES

Pub. L. 89-241, § 89(b), (c), Oct. 7, 1965, 79 Stat. 950, provided for the treatment of certain articles (other than flat goods) provided for in item 706.24 which were imported before Sept. 1, 1964, and entered, or withdrawn from warehouse, after Aug. 30, 1963, and on or before the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 700.10, 700.20, 700.26 to 700.28, 700.30, 700.32, 700.35, 700.41, 700.43, 700.45, 700.55, 700.66, 700.68, 700.70, 700.75, 700.80, 700.83, 700.85, 702.05, 702.20, 702.25, 702.28, 702.30, 702.32, 702.40, 702.47, 702.60, 702.65, 702.70, 702.85, 702.90, 702.95, 703.05, 703.10, 703.15, 703.20, 703.25, 703.30, 703.35, 703.50, 703.55, 703.60, 703.65, 703.72, 703.75, 703.80, 703.85, 703.90, 703.95, 704.10, 704.15, 704.20, 704.35, 704.45, 704.50, 704.55, 704.56, 704.65, 704.70, 704.75, 704.80, 704.95, 705.30, 705.43, 705.45, 705.51, 705.53, 705.55, 705.57, 705.60, 705.62, 705.67, 705.69 to 705.74, 705.76, 705.78, 705.84, 705.90, 706.04 to 706.06, 706.08, 706.10 to 706.12, 706.14, 706.20, 706.22 to 706.24, 706.30, 706.45, 706.50 and 706.55, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2
		Part 2 headnotes: 1. This part does not cover— (i) measuring cups, graduates, or other measuring containers; (ii) laboratory and industrial chemical ware, and sanitary ware, of ceramic ware (see part 2D of schedule 5); (iii) pharmaceutical, hygienic, and laboratory glassware (see part 3C of schedule 5); (iv) toilet and sanitary wares of metal (see part 3F of schedule 6); (v) tuning forks (see part 3B of this schedule); (vi) furniture provided for in part 4A of this schedule; (vii) toys (see part 5E of this schedule); or (viii) articles of rubber or plastics provided for in items 772.40 and 772.42 of part 12 of this schedule. 2. Cases, boxes, and containers of types ordinarily sold at retail with the instruments or other articles provided for in this part are classifiable with such articles if imported therewith. 3. The term "optical instruments", as used in this part, embraces only instruments which incorporate one or more optical elements, but does not include any instrument in which the incorporated optical element or elements are solely for viewing a scale or for some other subsidiary purpose. **Subpart A—Optical Elements, Spectacles, Microscopes, and Telescopes, Optical Goods Not Elsewhere Provided for** *Subpart A headnotes:* 1. The provisions for optical elements in this subpart do not cover— (i) unmounted optical elements of glass or synthetic optical crystals unless such elements have been optically worked (see part 3A of schedule 5); (ii) plates or sheets of polarizing material unless cut to shape or mounted (see part 3A of schedule 5); (iii) photographic filters (see subpart F of this part). 2. The term "optically worked", as used in this subpart, means that the glass or the synthetic optical crystals have been subjected to grinding or polishing incident to surface shaping for producing optical properties. 3. The provisions for mounted optical elements cover such elements when in a permanent frame or other mounting suitable for fitting to an apparatus or instrument and do not include mounted elements which are themselves separate instruments or apparatus such as spectacles, medical or dental mirrors, and hand magnifying glasses. 4. Sets comprised of tools, implements, and other articles fitted into and imported with cases containing microscopes provided for in item 708.71, and ordinarily sold at retail, and used, in conjunction with such microscopes, are classifiable therewith.		

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Optical elements, Spectacles, Microscopes, and Telescopes, Optical Goods Not Elsewhere Provided for—Continued		
		Lenses, prisms, mirrors, and other optical elements, all of the foregoing whether mounted or not mounted:		
		Not mounted:		
		Lenses:		
A	708.01	Ophthalmic	9.5% ad val	40% ad val.
A	708.03	Other	14% ad val	45% ad val.
A	708.05	Prisms	20% ad val	65% ad val.
A	708.07	Mirrors	20% ad val	45% ad val.
A	708.09	Other	21% ad val	85% ad val.
		Mounted:		
		Lenses:		
A	708.21	Projection	17.5% ad val	45% ad val.
A	708.23	Other	12.5% ad val	45% ad val.
A	708.25	Prisms	20% ad val	65% ad val.
A	708.27	Mirrors	20% ad val	45% ad val.
A	708.29	Other	21% ad val	65% ad val.
		Eyeglasses, lorgnettes, goggles, and similar articles, all the foregoing whether used for corrective, protective, or other purposes; frames and mountings for any of the foregoing, and parts of such frames and mountings:		
A	708.41	Lorgnettes	22.5% ad val	45% ad val.
		Other (except frames and mountings, and parts thereof):		
A	708.43	Valued not over $2.50 per doz	15% ad val	60% ad val.
A	708.45	Valued over $2.50 per doz	15% ad val	40% ad val.
A	708.47	Frames and mountings, and parts thereof	15% ad val	50% ad val.
		Refracting or reflecting telescopes, whether monocular or binocular; astronomical instruments not specially provided for; frames and mountings for any of the foregoing articles, and parts of such frames and mountings:		
		Telescopes:		
		Not designed for use with infra-red light:		
A	708.51	Field glasses and opera glasses (except prism binoculars).	8.5% ad val	45% ad val.
A	708.52	Prism binoculars	20% ad val	60% ad val.
A	708.53	Other	20% ad val	45% ad val.
A	708.55	Designed for use with infra-red light	5.5% ad val	35% ad val.
A	708.57	Astronomical instruments not specially provided for	22.5% ad val	45% ad val.
A	708.59	Frames and mountings, and parts thereof	The column 1 rate applicable to the article of which the frames and mountings are parts.	The column 2 rate applicable to the article of which the frames and mountings are parts.
		Compound optical microscopes; electron, proton, and similar microscopes and diffraction apparatus; all the foregoing whether or not provided with means for photographing or projecting the image; frames and mountings for the foregoing articles, and parts of such frames and mountings:		
		Compound optical microscopes:		
		Not provided with means for photographing or projecting the image:		
A	708.71	Valued not over $25 each	20% ad val	45% ad val.
A	708.72	Valued over $25 but not over $50 each	20% ad val	45% ad val.
A	708.73	Valued over $50 each	22.5% ad val	45% ad val.
A	708.75	Provided with means for projecting the image	22.5% ad val	45% ad val.
A	708.76	Other	7.5% ad val	20% ad val.
A	708.78	Electron, proton, and similar microscopes and diffraction apparatus.	11% ad val	40% ad val.
		Frames and mountings, and parts thereof:		
A	708.80	For compound optical microscopes	15% ad val	45% ad val.
A	708.82	Other	11% ad val	40% ad val.
		Optical appliances and instruments not provided for elsewhere in part 2 of this schedule; frames and mountings for such articles, and parts of such frames and mountings:		
A	708.85	Hand magnifiers, magnifying glasses, loupes, thread counters, and similar articles.	12.5% ad val	45% ad val.
A	708.87	Door viewers (door eyes)	10% ad val	60% ad val.
A	708.89	Other appliances and instruments	22.5% ad val	45% ad val.
		Frames and mountings, and parts thereof:		
A	708.91	For articles provided for in item 708.85	15% ad val	45% ad val.
A	708.93	Other	22.5% ad val	45% ad val.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Medical and Surgical Instruments and Apparatus; X-Ray Apparatus		
		Subpart B headnotes:		
		1. This subpart does not cover—		
		(i) medical supplies provided for in part 13C of schedule 4;		
		(ii) spectacles, lorgnettes, goggles, and similar articles; microscopes and diffraction apparatus (see subpart A of this part);		
		(iii) clinical thermometers and laboratory instruments and appliances (see subpart D of this part); or		
		(iv) cameras (see subpart F of this part).		
		Medical, dental, surgical and veterinary instruments and apparatus (including electro-medical apparatus and ophthalmic instruments), and parts thereof:		
		Optical instruments and appliances, and parts thereof:		
A	709.01	Mirrors and reflectors	22.5% ad val	45% ad val.
A	709.03	Binocular loupes for eye examinations	12.5% ad val	45% ad val.
A	709.05	Other	25% ad val	60% ad val.
		Other:		
A	709.06	Anesthetic apparatus and instruments (except syringes), and parts thereof.	9.5% ad val	45% ad val.
A	709.07	Basal metabolism apparatus, and parts thereof	11% ad val	40% ad val.
A	709.09	Bougies, catheters, drains, and sondes, and parts thereof.	6% ad val	30% ad val.
A	709.10	Percussion hammers, stethoscopes and parts of stethoscopes.	9.5% ad val	45% ad val.
A	709.11	Sphygmomanometers, tensimeters, and oscillometers, and parts thereof.	4.5% ad val	27.5% ad val.
A	709.13	Syringes, including hypodermic syringes, and parts thereof (except needles).	21% ad val	60% ad val.
		Electromedical apparatus, and parts thereof:		
A	709.15	Electrosurgical apparatus, and parts thereof	18% ad val	55% ad val.
A	709.17	Other	6% ad val	35% ad val.
A	709.19	Dental burs	11% ad val	35% ad val.
		Needles:		
A	709.21	Dental hypodermic needles	8.5% ad val	35% ad val.
A	709.23	Other	16% ad val	55% ad val.
		Other:		
A	709.25	Dental instruments, and parts thereof	7% ad val	35% ad val.
A	709.27	Other	18% ad val	55% ad val.
A	709.40	Mechanotherapy appliances and massage apparatus, and parts thereof.	6% ad val	35% ad val.
A	709.45	Artificial respiration, ozone therapy, oxygen therapy, aerosol therapy or similar apparatus; breathing appliances, including gas masks and similar respirators; parts of the foregoing.	5% ad val	35% ad val.
A	709.50	Hearing aids and parts thereof	6% ad val	25% ad val.
		Orthopedic appliances, surgical belts, trusses, and similar articles; artificial limbs, eyes, teeth, and other prosthetic articles, splints and other fracture appliances:		
		Artificial teeth and dentures:		
A	709.54	Wholly or almost wholly of plastics	5% ad val	20% ad val.
A	709.55	Other	22.5% ad val	70% ad val.
A	709.56	Bone and joint prostheses, bone plates, screws, and nails, and other internal fixation devices and appliances.	18% ad val	55% ad val.
A	709.57	Other	10% ad val	40% ad val.
		Apparatus based on the use of X-rays or of the radiation from radioactive substances, whether for medical, industrial, or other uses, and parts thereof:		
		X-ray apparatus and parts thereof:		
A	709.61	X-ray tubes, and parts of tubes	3% ad val	35% ad val.
A	709.63	Other	2.5% ad val	35% ad val.
A	709.66	Apparatus based on the use of radiations from radioactive substances, and parts thereof.	6% ad val	35% ad val.
		Subpart C—Surveying, Navigational, Meteorological, Drawing, and Mathematical Calculating Instruments; Measuring and Checking Instruments Not Specially Provided for		
		Subpart C headnote:		
		1. This subpart does not cover—		
		(i) radio navigational aid apparatus, radar apparatus, and radio remote control apparatus (see item 685.60, part 5, schedule 6);		
		(ii) thermometers, barometers, hygrometers, and psychrometers, or combinations thereof (see subpart D of this part);		

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

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GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Surveying, Navigational, Meteorological, Drawing, and Mathematical Calculating Instruments: Measuring and Checking Instruments Not Specially Provided for—Continued		
		Subpart C headnote—Continued		
		(iii) instruments or apparatus for measuring, checking, or automatically controlling the flow, depth, pressure, or other variables of liquids or gases, or for automatically controlling temperature (see subpart D of this part);		
		(iv) revolution counters (see subpart D of this part);		
		(v) electrical measuring, checking, analyzing or automatically controlling instruments and apparatus (see subpart D of this part);		
		(vi) watches, clocks, and timing apparatus (see subpart E of this part);		
		(vii) cameras (see subpart F of this part); or		
		(viii) photographic rangefinders (see subpart F of this part).		
		Surveying (including photogrammetrical surveying), hydrographic, navigational, meteorological, hydrological, and geophysical instruments; compasses; rangefinders; parts of the foregoing instruments:		
		Optical instruments and parts thereof:		
A	710.04	Photogrammetrical instruments, and parts thereof	14% ad val	40% ad val.
A	710.06	Rangefinders (except surveying rangefinders)	22.5% ad val	45% ad val.
A	710.08	Other	14% ad val	45% ad val.
		Other instruments and parts:		
		Compasses, and parts thereof:		
A	710.12	Surveying compasses, and parts thereof	14% ad val	35% ad val.
A	710.14	Gyroscopic compasses, and parts thereof	5.5% ad val	35% ad val.
A	710.16	Other	9.5% ad val	45% ad val.
		Ships' logs, and parts thereof:		
A	710.20	Logs	46¢ each + 7% ad val	$4.50 each + 65% ad val.
A	710.21	Parts	25% ad val	65% ad val.
		Anemometers, and parts thereof:		
A	710.26	Anemometers	$1.12 each + 17.5% ad val	$4.50 each + 65% ad val.
A	710.27	Parts	22.5% ad val	65% ad val.
A	710.30	Automatic pilots, and parts thereof	5.5% ad val	35% ad val.
		Seismographs, and parts thereof:		
A	710.34	Portable or field type	5.5% ad val	35% ad val.
A	710.36	Other	11% ad val	40% ad val.
		Other:		
		Surveying and hydrographic instruments, and parts thereof:		
A	710.40	Not of metal	8% ad val	35% ad val.
A	710.42	Of metal	14% ad val	40% ad val.
A	710.46	Navigational instruments, and parts thereof	5% ad val	30% ad val.
A	710.50	Other	11% ad val	40% ad val.
		Drafting machines, compasses, dividers, ruling pens, lettering pens (including fountain pen-type) used by draftsmen, pantographs, drawing curves, rulers, scribers, straight edges, disc calculators, slide rules, and other instruments, all the foregoing which are drawing, marking-out or mathematical calculating instruments; hand styluses; micrometers, calipers, gauges, balancing machines, and non-optical measuring or checking instruments, apparatus, and machines not specially provided for; and parts of the foregoing articles:		
		Disc calculators, slide rules, and other mathematical calculating instruments, all the foregoing and parts thereof:		
A	710.60	Not of metal	6.5% ad val	40% ad val.
A	710.61	Of metal	11% ad val	40% ad val.
A	710.63	Protractors, and parts thereof	11% ad val	40% ad val.
A	710.65	Calipers and micrometers, and parts thereof	10% ad val	45% ad val.
		Folding rules, and parts thereof:		
A	710.67	Of aluminum	13% ad val	65% ad val.
A	710.68	Of wood	12% ad val	60% ad val.
A	710.70	Other	10% ad val	45% ad val.
A	710.72	Rules (except folding rules)	8.5% ad val	45% ad val.
A	710.76	Lettering pens (including fountain pen-type) used by draftsmen, and parts thereof.	10% ad val	45% ad val.
A	710.78	Hand styluses	5.5% ad val	45% ad val.
A	710.80	Other	7.5% ad val	45% ad val.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Surveying, Navigational, Meteorological, Drawing, and Mathematical Calculating Instruments: Measuring and Checking Instruments Not Specially Provided for—Continued		
		Optical measuring or checking instruments and appliances not provided for elsewhere in subpart C, D, or F of this part, and parts thereof:		
A	710.86	Profile projectors and parts thereof	17.5% ad val	45% ad val.
A	710.88	Comparator benches, measuring benches, and micrometric reading apparatus, all the foregoing and parts thereof.	22.5% ad val	45% ad val.
A	710.90	Other	25% ad val	50% ad val.
		Subpart D—Measuring, Testing, and Controlling Instruments		
		Subpart D headnotes:		
		1. The provisions of this subpart covered by items 711.00 to 711.88, inclusive, do not apply to electrical measuring, checking, analyzing, or automatically controlling instruments or apparatus, as defined in headnote 2 below.		
		2. For the purposes of this subpart, the provisions herein (items 712.00 to 712.99, inclusive) for "electrical measuring, checking, analyzing, or automatically controlling instruments and apparatus" apply only to the following articles:		
		(a) appliances, instruments, apparatus, or machines of kinds described in subpart C of this part or in the provisions of this subpart (subpart D) covered by items 711.00 to 711.88, inclusive the operation of which depends on an electrical phenomenon which varies according to the factor to be ascertained or automatically controlled:		
		(b) instruments or apparatus for measuring or checking electrical quantities; and		
		(c) instruments or apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic, or similar radiations.		
		Balances of a sensitivity of 5 centigrams or better, with or without their weights, and parts thereof; weights suitable for use with such balances and sets of weights containing any such weights:		
A	711.04	Jewelers' balances and parts thereof	9.5% ad val	45% ad val.
A	711.08	Other	12.5% ad val	40% ad val.
A	711.25	Machines and appliances for determining the strength of articles or materials under compression, tension, torsion, or shearing stress, and parts thereof.	7% ad val	40% ad val.
		Hydrometers and similar floating instruments; thermometers, pyrometers, barometers, hygrometers, and psychrometers, whether or not recording instruments; any combination of the foregoing instruments; and articles in which one or more of such instruments are incorporated as significant integral parts and which are ordinarily used in the home or office where they are usually hung on the wall, or placed on mantles, shelves, or furniture:		
A*	711.30	Hydrometers and similar floating instruments, whether or not incorporating thermometers.	21% ad val	85% ad val.
		Thermometers, pyrometers, barometers, hygrometers, and psychrometers, whether or not recording instruments:		
		Nonrecording instruments:		
		Thermometers:		
		Liquid-filled thermometers with the graduations on the tube or on a scale enclosed within an outer shell:		
A	711.34	Clinical	42.5% ad val	85% ad val.
A	711.36	Other	21% ad val	85% ad val.
A	711.37	Other	7% ad val	40% ad val.
		Pyrometers:		
A	711.40	Optical pyrometers	25% ad val	50% ad val.
A	711.42	Other	8% ad val	45% ad val.
		Barometers:		
		Aneroid:		
A	711.45	Surveying, with altimeter setting	14% ad val	40% ad val.
A	711.47	Other	4.5% ad val	40% ad val.
A	711.49	Other	9.5% ad val	45% ad val.
A	711.55	Hygrometers and psychrometers	8% ad val	45% ad val.
A	711.60	Thermographs, barographs, hygrographs and other recording instruments.	5% ad val	35% ad val.
A	711.67	Other	7% ad val	50% ad val.

See footnotes at end of table.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart D—Measuring, Testing, and Controlling Instruments—Continued		
		Pressure gauges, thermostats, level gauges, flow meters, heat meters, automatic oven-draught regulators, and other instruments and apparatus for measuring, checking, or automatically controlling the flow, depth, pressure, or other variables of liquids or gases, or for automatically controlling temperature, all the foregoing and parts thereof not provided for in subpart C of this part:		
		Flow meters, heat meters incorporating liquid supply meters, and anemometers, and parts of the foregoing:		
A	711.82	Instruments and apparatus	$1.12 each +17.5% ad val	$4.50 each +65% ad val.
A	711.83	Parts	22.5% ad val	65% ad val.
A	711.84	Other	7% ad val	35% ad val.
	711.85	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Polarimeters, refractometers, spectrometers, gas analysis apparatus and other instruments or apparatus for physical or chemical analysis; viscometers, porosimeters, expansion meters and other instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension, or similar properties; photometers (except photographic light meters), calorimeters, and other instruments or apparatus for measuring or checking quantities of heat, light, or sound; microtomes; all the foregoing, and parts thereof:		
A	711.86	Optical instruments or apparatus, and parts thereof	25% ad val	50% ad val.
A	711.88	Other	11% ad val	40% ad val.
		Revolution counters, production counters, taximeters, odometers, pedometers, counters similar tc the foregoing articles, speedometers and tachometers, all the foregoing not provided for in subpart C of this part; parts of the foregoing:		
A	711.90	Taximeters and parts	21% ad val	85% ad val.
	711.91	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
	711.93	Bicycle speedometers and parts thereof	27.5% ad val	110% ad val.
A	711.98	Other	5% ad val	35% ad val.
	711.99	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Electrical measuring, checking, analyzing, or automatically controlling instruments and apparatus, and parts thereof:		
A	712.05	Optical instruments or apparatus, and parts thereof	25% ad val	50% ad val.
		Other:		
		Ships' logs, and depth-sounding instruments and apparatus, and parts thereof:		
A	712.10	Instruments and apparatus	46¢ each +7% ad val	$4.50 each+65% ad val.
A	712.12	Parts	25% ad val	65% ad val.
A	712.15	Instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or similar radiations, and parts thereof.	7% ad val	40% ad val.
A	712.20	Seismographs and parts thereof	7.5% ad val	40% ad val.
		Anemometers, and parts thereof:		
A	712.25	Anemometers	$1.12 each +17.5% ad val	$4.50 each +65% ad val.
A	712.27	Parts	22.5% ad val	65% ad val.
A	712.47	Automatic flight control instruments and apparatus designed for use in aircraft, and parts thereof.	6% ad val	40% ad val.
A	712.49	Other	10% ad val	40% ad val.
	712.51	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Gas and liquid supply or production meters; watt-hour meters, ampere-hour meters and other electricity supply or production meters designed to register the total amount of electricity or electrical energy produced or consumed; standard meters for checking and calibrating any of the foregoing meters; all the foregoing and parts therefor:		
		Meters:		
A	713.05	Valued not over $10 each	75¢ each+16% ad val	$3 each +65% ad val.
		Valued over $10 each:		
		Electricity supply or production meters and standard meters therefor:		
A*	713.07	Valued not over $15 each	$1.12 each +16% ad val	$4.50 each +65% ad val.
A	713.09	Valued over $15 each	$1.12 each+11% ad val	$4.50 each +65% ad val.
A	713.11	Other	$1.12 each +17.5% ad val	$4.50 each +65% ad val.
A*	713.15	Parts	22.5% ad val	65% ad val.
		Stroboscopes of all kinds, and parts thereof:		
A	713.17	Stroboscopes	$1.12 each+17.5% ad val	$4.50 each +65% ad val.
A*	713.19	Parts	22.5% ad val	65% ad val.

See footnotes at end of table.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2

Subpart E—Watches, Clocks, and Timing Apparatus

Subpart E headnotes:

1. This subpart covers watches and clocks, time switches and other timing apparatus with clock or watch movements, and parts of these articles. This subpart, however, does not cover—

(i) synchronous or subsynchronous motors (see part 5 of schedule 6);

(ii) screws, nuts, and bolts (see part 3D of schedule 6);

(iii) music boxes and their mechanisms (see part 3 of schedule 7);

(iv) combination articles provided for elsewhere in the tariff schedules; or

(v) clock and watch glasses and glass domes (see part 3 of schedule 5).

2. For the purposes of this subpart—

(a) the term "watches" embraces timepieces (including timepieces having special features, such as chronographs, calendar watches, stopwatches, and watches designed for use in skindiving) suitable for wearing or carrying on or about the person, whether or not the movement therein is within the definition of "watch movement" in headnote 2(b), below;

(b) the term "watch movement" means a timepiece movement measuring less than 1.77 inches in width and less than 0.50 inch in thickness;

(c) the term "clock movement" means any movement or mechanism, other than "watch movements" as defined in headnote 2(b), above, intended or suitable for measuring time;

(d) the term "cases" embraces inner and outer cases, containers, and housings for movements, together with parts or pieces, such as, but not limited to, rings, feet, posts, bases, and outer frames, and any auxiliary or incidental features, which (with appropriate movements) serve to complete the watches, clocks, time switches, and other apparatus provided for in this subpart; and

(e) the term "jewels" includes substitutes for jewels.

3. (a) In this subpart, column 1 of the Rates of Duty columns with respect to watch movements having not over 7 jewels has been divided into two columns, viz, 1-a and 1-b. The rates of duty in columns 1-a apply to watch movements which have 7 jewels or which, if having less than 7 jewels, do not have a bushing or its equivalent (other than a substitute for a jewel) in any position customarily occupied by a jewel. The rates of duty in column 1-b apply to watch movements having under 7 jewels and having a bushing or its equivalent (other than a substitute for a jewel) in any position customarily occupied by a jewel.

(b) The complete citation for watches covered by item 715.05 and clocks covered by item 715.15 shall be each of such item numbers, followed by the appropriate item numbers for the respective movements and cases comprising such watches or clocks. Thus, item 715.05-716.08-720.20 is the correct citation for a watch in a gold case having over 17 jewels.

(c) In this subpart, each of the rates of duty provided for watch movements, having no jewels or not over 17 jewels, not adjusted, not self-winding, and not constructed or designed to operate for a period in excess of 47 hours without rewinding (items 716.10 through 716.36, inclusive) is also the "base rate" for watch movements having the same width and number of jewels covered by items 717.—, 718.—, and 719.—. For citation purposes, the two blanks on the end of each of the latter item numbers shall be filled in with the last two digits of the item number for the applicable base rate. Thus, "Item 717.31" would be citation for an adjusted watch movement, 0.7 inch wide, having 17 jewels, but not self-winding and not constructed or designed to operate for a period in excess of 47 hours without rewinding.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

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GSP	Item	Articles	Rates of duty	
			1	2

Subpart E—Watches, Clocks, and Timing Apparatus—Continued

Subpart E headnotes—Continued

(d) The width of a watch or clock movement, as defined in headnote 2(b) and (c) of this subpart, is the shortest surface dimension through the center of the pillar or bottom plate, or its equivalent, not including in the measurement any portion not essential to the functioning of the movement; and the thickness of a "watch movement", as so defined, is the maximum thickness between the outside surfaces of the plate and bridges, or their equivalents.

(e) The additional duty for adjustments to watch movements applies to each adjustment of whatever kind (treating adjustment to temperature as two adjustments), in accordance with the marking as hereinafter provided for.

(f) Bimetallic balance wheels which are not part of balance assemblies, and mainsprings with riveted ends, are each to be considered as one part or piece, for the purposes of assessing duties on assemblies and subassemblies provided for in items 720.75, 720.80, 720.82, 720.84, and 720.86.

4. *Special marking requirements:* Any movement, case, or dial provided for in this subpart, whether imported separately or attached to an article provided for in this subpart, shall not be permitted to be entered unless conspicuously and indelibly marked by cutting, die-sinking, engraving, or stamping, as specified below:

(a) Watch movements shall be marked on one or more of the bridges or top plates to show—

(i) the name of the country of manufacture,

(ii) the name of the manufacturer or purchaser,

(iii) in Arabic numerals and in words, the number of jewels, if any, serving a mechanical purpose as frictional bearings; and

(iv) in Arabic numerals and in words, the number and classes of adjustments, or, if unadjusted, the word "unadjusted".

(b) Clock movements shall be marked on the most visible part of the front or back plate to show—

(i) the name of the country of manufacture,

(ii) the name of the manufacturer or purchaser, and

(iii) the number of jewels, if any.

(c) Watch cases shall be marked on the inside or outside of the back cover to show—

(i) the name of the country of manufacture, and

(ii) the name of the manufacturer or purchaser.

(d) Clock cases and other cases provided for in this subpart shall be marked on the most visible part of the outside of the back to show the name of the country of manufacture; and

(e) Dials shall be marked to show the name of the country of manufacture, which marking, if the dial is imported attached to any of the articles provided for in this part, shall be placed on the face of the dial in such manner as not to be obscured by any part of the case.

5. *Combination articles containing watch or clock movements.*—A watch or clock movement (and its dial, if any) in a combination article is classifiable under the provision applicable to such combination article, but, in determining the duties on the combination article, the movement (and its dial, if any) shall be constructively separated therefrom and assessed with the same rate as would have applied if it had been imported separately. In such circumstances, the movement and its dial shall also be subject to the same marking requirements provided for in headnote 4 of this subpart. However, such separate assessment and special marking shall not be applicable to movements which, when imported, are installed as the usual equipment of vehicles or craft provided for in part 6 of schedule 6 or as integral and essential parts of laboratory, industrial, or commercial apparatus or equipment.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Watches, Clocks, and Timing Apparatus—Continued *Subpart E headnotes*—Continued 6. *Products of Insular Possessions.*—(a) Except as provided in paragraph (b) of this headnote, any article provided for in this subpart which is the product of an insular possession of the United States outside the customs territory of the United States and which contains any foreign component shall be subject to duty— (i) at the rates set forth in column numbered 1, if the countries of origin of more than 50 percent in value of the foreign components are countries to products of which column numbered 1 rates apply, and (ii) at the rates set forth in column numbered 2, if the countries of origin of 50 percent or more in value of the foreign components are countries to products of which column numbered 2 rates apply. (b) If the requirements for free entry set forth in general headnote 3(a) are complied with, watches (provided for in item 715.05) and watch movements (provided for in items 716.08 through 719.—) which are the product of the Virgin Islands, Guam, or American Samoa and which contain any foreign component may be admitted free of duty, but the total quantity of such articles entered free of duty during each calendar year shall not exceed a number equal to ⅙ of the apparent United States consumption of watch movements during the preceding calendar year (as determined by the Tariff Commission), of which total quantity— (i) not to exceed 87.5 percent shall be the product of the Virgin Islands, (ii) not to exceed 8.33 percent shall be the product of Guam, and (iii) not to exceed 4.17 percent shall be the product of American Samoa. (c) On or before April 1 of each calendar year (beginning with 1967), the Tariff Commission shall determine the apparent United States consumption of watch movements during the preceding calendar year, shall report such determination to the Secretary of the Treasury, the Secretary of the Interior, and Secretary of Commerce, and shall publish such determination in the Federal Register, together with the number of watches and watch movements which are the product of the Virgin Islands, Guam, and American Samoa which may be entered free of duty under paragraph (b) during the calendar year. (d) The Secretary of the Interior and the Secretary of Commerce, acting jointly, shall allocate on a fair and equitable basis among producers of watches and watch movements located in the Virgin Islands, Guam, and American Samoa the quotas for each calendar year provided by paragraph (b) for articles which are the product of the Virgin Islands, Guam, and American Samoa, respectively. Allocations made by the Secretaries shall be final. The Secretaries are authorized to issue such regulations as they determine necessary to carry out their duties under this paragraph.		
	715.05	Watches	The column 1 rates applicable to the cases, plus the column 1 rates applicable to the movements, if such cases and movements were imported separately.	The column 2 rates applicable to the cases, plus the column 2 rates applicable to the movements, if such cases and movements were imported separately.
		Clocks:		
	715.15	With watch movements; or with clock movements measuring less than 1.77 inches in width.	The column 1 rates applicable to the cases, plus the column 1 rates applicable to the movements, if such cases and movements were imported separately.	The column 2 rates applicable to the cases, plus the column 2 rates applicable to the movements, if such cases and movements were imported separately.
		With other movements:		
A	715.20	Standard marine chronometers having spring-detent escapements.	57¢ each +8.5% ad val. +3.5¢ for each jewel, if any.	$4.50 each +65% ad val. +25¢ for each jewel, if any.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Watches, Clocks, and Timing Apparatus—Continued		
		Clocks—Continued		
		With other movements—Continued		
		Other clocks:		
	715.25	Valued not over $1.10 each	13.5¢ each +16% ad val. +6.25¢ for each jewel, if any.	55¢ each +65% ad val. +25¢ for each jewel, if any.
	715.27	Valued over $1.10 but not over $2.25 each	25¢ each +16% ad val. +6.25¢ for each jewel, if any.	$1 each +65% ad val. +25¢ for each jewel, if any.
	715.29	Valued over $2.25 but not over $5 each	37.5¢ each +16% ad val. +6.25¢ for each jewel, if any.	$1.50 each +65% ad val. +25¢ for each jewel, if any.
	715.31	Valued over $5 but not over $10 each	75¢ each +16% ad val. +6.25¢ for each jewel, if any.	$3 each +65% ad val. +25¢ for each jewel, if any.
	715.33	Valued over $10 each	$1.12 each +16% ad val. +6.25¢ for each jewel, if any.	$4.50 each +65% ad val. +25¢ for each jewel, if any.
		Apparatus with watch or clock movements or with synchronous motors, for recording the time of day, or for measuring, recording, or otherwise indicating intervals of time:		
	715.40	Pigeon timers	90¢ each +13% ad val. +5¢ for each jewel, if any.	$4.50 each +65% ad val. +25¢ for each jewel, if any.
		Other:		
	715.45	Valued not over $1.10 each	13.75¢ each +16% ad val. +6.25¢ for each jewel, if any.	55¢ for each +65% ad val. +25¢ for each jewel, if any.
	715.47	Valued over $1.10 but not over $2.25 each	25¢ each +16% ad val. +6.25¢ for each jewel, if any.	$1 each +65% ad val. +25¢ for each jewel, if any.
	715.49	Valued over $2.25 but not over $5 each	37.5¢ each +16% ad val. +6.25¢ for each jewel, if any.	$1.50 each +65% ad val. +25¢ for each jewel, if any.
	715.51	Valued over $5 but not over $10 each	75¢ each +16% ad val. +6.25¢ for each jewel, if any.	$3 each +65% ad val. +25¢ for each jewel, if any.
	715.53	Valued over $10 each	$1.12 each +17.5% ad val. +6.25¢ for each jewel, if any.	$4.50 each +65% ad val. +25¢ for each jewel, if any.
		Time switches with watch or clock movements, or with synchronous or subsynchronous motors:		
	715.60	Valued not over $1.10 each	13.75¢ each +16% ad val. +6.25¢ for each jewel, if any.	55¢ each +65% ad val. +25¢ for for each jewel, if any.
	715.62	Valued over $1.10 each but not over $2.25 each	25¢ each +16% ad val. +6.25¢ for each jewel, if any.	$1 each +65% ad val. +25¢ for each jewel, if any.
	715.64	Valued over $2.25 but not over $5 each	37.5¢ each +10% ad val. +6.25¢ for each jewel, if any.	$1.50 each +65% ad val. +25¢ for each jewel, if any.
	715.66	Valued over $5 but not over $10 each	75¢ each +10% ad val. +6.25¢ for each jewel, if any.	$3 each +65% ad val. +25¢ for each jewel, if any.
	715.68	Valued over $10 each	$1.12 each +16% ad val. +6.25¢ for each jewel, if any.	$4.50 each +65% ad val. +25¢ for each jewel, if any.
		Watch movements, assembled, without dials or hands, or with dials or hands whether or not assembled thereon.[3]		
	716.08	Having over 17 jewels	$5.37 each	$10.75 each.

GSP	Item	Articles	1-a	1-b	2
		Having no jewels or not over 17 jewels:			
		Not adjusted, not self-winding (or if a self-winding device cannot be incorporated therein), and not constructed or designed to operate for a period in excess of 47 hours without rewinding:			
		Having no jewels or only 1 jewel:			
	716.10	Not over 0.6 inch in width	90¢ each	$1.50 each	$1.50 each.
	716.11	Over 0.6 but not over 0.8 inch in width	75¢ each	$1.35 each	$1.35 each.
	716.12	Over 0.8 but not over 0.9 inch in width	75¢ each	$1.20 each	$1.20 each.
	716.13	Over 0.9 but not over 1 inch in width	75¢ each	$1.05 each	$1.05 each.
	716.14	Over 1 but not over 1.2 inches in width	75¢ each	93¢ each	93¢ each.
	716.15	Over 1.2 but not over 1.5 inches in width	75¢ each	84¢ each	84¢ each.
	716.16	Over 1.5 but not over 1.77 inches in width	75¢ each	75¢ each	75¢ each.
		Having over 1 jewel but not over 7 jewels:			
	716.20	Not over 0.6 inch in width	$1.80 each	$2.50 each	$2.50 each.
	716.21	Over 0.6 but not over 0.8 inch in width	$1.35 each	$2.25 each	$2.25 each.
	716.22	Over 0.8 but not over 0.9 inch in width	$1.35 each	$2 each	$2 each.
	716.23	Over 0.9 but not over 1 inch in width	$1.20 each	$1.75 each	$1.75 each.
	716.24	Over 1 but not over 1.2 inches in width	90¢ each	$1.55 each	$1.55 each.
	716.25	Over 1.2 but not over 1.5 inches in width	90¢ each	$1.40 each	$1.40 each.
	716.26	Over 1.5 but not over 1.77 inches in width	90¢ each	$1.25 each	$1.25 each.

See footnotes at end of table.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Watches, Clocks, and Timing Apparatus—Continued		
		Watch movements, assembled, etc.—Continued		
		Having no jewels or not over 17 jewels—Continued		
		Not adjusted, not self-winding, etc.—Continued		
		Having over 7 but not over 17 jewels:		
	716.30	Not over 0.6 inch in width	$1.80 each +9¢ for each jewel over 7.	$2.50 each +15¢ for each jewel over 7.
	716.31	Over 0.6 but not over 0.8 inch in width	$1.35 each +9¢ for each jewel over 7.	$2.25 each +15¢ for each jewel over 7.
	716.32	Over 0.8 but not over 0.9 inch in width	$1.35 each +9¢ for each jewel over 7.	$2 each +15¢ for each jewel over 7.
	716.33	Over 0.9 but not over 1 inch in width	$1.20 each +9¢ for each jewel over 7.	$1.75 each +15¢ for each jewel over 7.
	716.34	Over 1 but not over 1.2 inches in width	90¢ each +9¢ for each jewel over 7.	$1.55 each +15¢ for each jewel over 7.
	716.35	Over 1.2 but not over 1.5 inches in width	90¢ each +9¢ for each jewel over 7.	$1.40 each +15¢ for each jewel over 7.
	716.36	Over 1.5 but not over 1.77 inches in width	90¢ each +9¢ for each jewel over 7.	$1.25 each +15¢ for each jewel over 7.
	717.00	Adjusted, but not self-winding (and if a self-winding device cannot be incorporated therein), and not constructed or designed to operate for a period in excess of 47 hours without rewinding.	Column 1 base rate+50¢ for each adjustment.	Column 2 base rate +$1 for each adjustment.
	*718.00	Self-winding (or if a self-winding device can be incorporated therein), or constructed or designed to operate for a period in excess of 47 hours without rewinding, but not adjusted.	Column 1 base rate +50¢ each.	Column 2 base rate +$1 each.
	*719.00	Adjusted and self-winding (or if a self-winding device can be incorporated therein), or constructed or designed to operate for a period in excess of 47 hours without rewinding.	Column 1 base rate +50¢ each +50¢ for each adjustment.	Column 2 base rate +$1 each +$1 for each adjustment.
		Clock movements, assembled, without dials or hands, or with dials or hands whether or not assembled thereon:		
		Measuring less than 1.77 inches in width:		
		Not constructed or designed to operate for over 47 hours without rewinding:		
	720.02	Having no jewels or only 1 jewel	37¢ each	75¢ each.
	720.04	Having over 1 jewel	62¢ each +6.75¢ for each jewel over 7.	$1.25 each +15¢ for each jewel over 7.
		Constructed or designed to operate for over 47 hours without rewinding:		
	720.06	Having no jewels or only 1 jewel	75¢ each	$1.75 each.
	720.08	Having over 1 jewel	$1 each +6.75¢ for each jewel over 7.	$2.25 each +15¢ for each jewel over 7.
		Other clock movements:		
	720.10	Valued not over $1.10 each	13.75¢ each +16% ad val. +6.25¢ for each jewel, if any.	55¢ each +65% ad val. +25¢ for each jewel, if any.
	720.12	Valued over $1.10 but not over $2.25 each	25¢ each +16% ad val. +6.25¢ for each jewel, if any.	$1 each +65% ad val. +25¢ for each jewel, if any.
	720.14	Valued over $2.25 but not over $5 each	37.5¢ each +16% ad val. +6.25¢ for each jewel, if any.	$1.50 each +65% ad val. +25¢ for each jewel, if any.
	720.16	Valued over $5 but not over $10 each	75¢ each +16% ad val. +6.25¢ for each jewel, if any.	$3 each +65% ad val. +25¢ for each jewel, if any.
	720.18	Valued over $10 each	$1.25 each +16% ad val. +6.25¢ for each jewel, if any.	$4.50 each +65% ad val. +25¢ for each jewel, if any.
		Watch cases and parts thereof:		
		Wholly or almost wholly of gold or platinum or of both gold and platinum:		
	720.20	Cases	37¢ each +15% ad val	75¢ each +45% ad val.
		Parts:		
	720.21	Bezels, backs, and centers	18¢ each +15% ad val	75¢ each +45% ad val.
	720.22	Other	20% ad val	65% ad val.
		Not wholly and not almost wholly of gold or platinum or of both gold and platinum:		
		Wholly or in part of silver; or containing gold or platinum; or set, or prepared to be set, with precious or semiprecious stones or with imitation gemstones:		
	720.24	Cases	20¢ each +15% ad val	40¢ each +45% ad val.
		Parts:		
	720.25	Bezels, backs, and centers	10¢ each +15% ad val	20¢ each +45% ad val.
	720.26	Other	15% ad val	65% ad val.
		Other:		
	720.28	Cases	5¢ each +10% ad val	20¢ each +45% ad val.
		Parts:		
	720.29	Bezels, backs, and centers	2.5¢ each +10% ad val	10¢ each +45% ad val.
	720.30	Other	9.5% ad val	45% ad val.

See footnotes at end of table.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

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GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Watches, Clocks, and Timing Apparatus—Continued		
		Clock cases, cases for time switches or for other apparatus provided for in this subpart, and parts of the foregoing cases:		
		Clock cases and parts thereof:		
	720.32	Over 50 percent of metal by weight and wholly or in part of precious metal.	18.5% ad val	60% ad val.
		Other:		
	720.33	Outer cases for travel clocks	10% ad val	45% ad val.
	720.34	Other	13.5% ad val	45% ad val.
	720.36	Other cases and parts	15% ad val	45% ad val.
		Dials and parts thereof:		
		Watch and clock dials:		
	720.40	Under 1.77 inches in width	1.2¢ each +22.5% ad val	5¢ each +45% ad val.
	720.42	1.77 inches or more in width	12.5% ad val	50% ad val.
	720.44	Other	25% ad val	50% ad val.
	720.60	Jewels, unset, suitable for use for antifriction purposes in any watch or clock movement, or in any meter, compass, or similar precision mechanism.	5% ad val	10% ad val.
		Plates:		
	720.65	Watch movement bottom or pillar plates or their equivalent.	One-half the column 1 duty for the complete movement for which suitable.	One-half the column 2 duty for the complete movement for which suitable.
	720.67	Any plate, or set of plates, suitable for assembling thereon a clock movement.	One-half the column 1 duty for the complete movement for which suitable.	One-half the column 2 duty for the complete movement for which suitable.
		Assemblies and subassemblies for watch movements consisting of two or more parts or pieces fastened or joined together:		
	720.70	Balance assemblies, consisting of a balance staff, balance wheel, and hairspring, with or without other parts commercially known as parts of a balance assembly.	17.5¢ each assembly	50¢ each assembly.
	720.75	Other assemblies and subassemblies	4.5¢ for each jewel (if any) + the column 1 rate specified in item 720.65 for bottom or pillar plates or their equivalent therein (if any) +1¢ for each other part or piece therein (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement for which suitable, nor be less than 22.5% ad val. unless said 22.5 percent rate exceeds the column 1 duty for the complete movement.	15¢ for each jewel (if any) + the column 2 rate specified in item 720.65 for bottom or pillar plates or their equivalent therein (if any) +3¢ for each other part or piece therein (if any), but the total duty on the assembly or subassembly shall not exceed the column 2 duty for the complete movement for which suitable, nor be less than 45% ad val. unless said 45 percent rate exceeds the column 2 duty for the complete movement.
		Assemblies and subassemblies for clock movements, consisting of two or more parts or pieces fastened or joined together:		
		Consisting in part of a plate or set of plates provided for in item 720.67:		
A	720.80	For standard marine chronometers having spring-detent escapements.	The column 1 rate specified in item 720.67 for the plate or plates +12.5¢ for each jewel (if any) +2.5¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.	The column 2 rate specified in item 720.67 for the plate or plates +25¢ for each jewel (if any) +5¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 2 duty for the complete movement.
	720.82	For other movements	The column 1 rate specified in item 720.67 for the plate or plates +6.25¢ for each jewel (if any) +1.25¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement.	The column 2 rate specified in item 720.67 for the plate or plates +25¢ for each jewel (if any) +5¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 2 duty for the complete movement.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Watches, Clocks, and Timing Apparatus—Continued		
		Assemblies and subassemblies for clock movements, consisting of two or more parts or pieces fastened or joined together—Continued		
		Other assemblies and subassemblies:		
	720.84	For standard marine chronometers having spring-detent escapements.	32.5% ad val.+12.5¢ for each jewel (if any)+1.5¢ for each other piece or part.	65% ad val.+25¢ for each jewel (if any)+3¢ for each other piece or part.
	720.86	For other movements	16% ad val.+6.25¢ for each jewel (if any)+0.75¢ for each other piece or part.	65% ad val.+25¢ for each jewel (if any)+3¢ for each other piece or part.
		Other parts for watch or clock movements:		
	720.90	For watch movements	27.5% ad val	65% ad val.
		For clock movements:		
A	720.92	For standard marine chronometers having spring-detent escapements.	25% ad val	65% ad val.
	720.94	For other movements	16% ad val	65% ad val.
	721.05	Any of the foregoing parts of watch movements (except bottom or pillar plates or their equivalent, bridges or their equivalent, and jewels) imported in the same shipment, and entered, with complete watch movements (whether or not suitable for use in such movements) but not including any portion of all the parts in such shipment which exceeds in value 4 percent of the value of such movements.	22.5% ad val	45% ad val.
		Any of the foregoing parts of clock movements (except plates and jewels) imported in the same shipment, and entered, with complete clocks, clock movements apparatus, or time switches provided for in this subpart (whether or not suitable for use in such complete articles), but not including any portion of all the parts in the shipment which exceeds in value 1.5 percent of the value of such complete articles:		
A	721.10	For any standard marine chronometers, if imported with any such articles.	6% ad val	45% ad val.
	721.12	For any clock, clock movement, apparatus, or time switch, if imported with any complete articles except standard marine chronometers.	11% ad val	45% ad val.
	721.20	Any article in the foregoing items covering clocks, clock movements, clock cases and dials and parts thereof, plates (720.67), assemblies and subassemblies for clock movements, and other parts for clock movements, if Canadian article and original motor-vehicle equipment (see headnote 2 part 6B, schedule 6).	Free	
		Subpart F—Photographic Equipment and Supplies		
		Subpart F headnotes: 1. This subpart does not cover— (i) optical elements other than photographic filters (see subpart A of this part): (ii) electrical pick-up or ampligying devices or other articles which are provided for in part 5 of schedule 6; or (iii) still pictures (see part 5 of schedule 2) or motion pictures (see subpart G of this part).		
		Photographic motion-picture cameras, with or without sound recording systems:		
A	722.02	Valued under $50 each	12% ad val	20% ad val.
A	722.04	Valued $50 or more each	6% ad val	20% ad val.
		Photographic cameras (other than motion-picture cameras), photographic enlargers, and combination camera-enlargers:		
A	722.10	Having a photographic lens valued over 50 percent of value of article.	12.5% ad val	45% ad val.
		Other cameras:		
A	722.12	Fixed-focus	10% ad val	20% ad val.
		Other than fixed-focus:		
A	722.14	Valued not over $10 each	17% ad val	20% ad val.
A	722.16	Valued over $10 each	7.5% ad val	20% ad val.
A	722.18	Other enlargers and camera-enlargers	7.5% ad val	20% ad val.
		Parts of any of the foregoing cameras, enlargers, and camera-enlargers:		
A	722.30	Containing a photographic lens valued over 50 percent of the value of the part.	12.5% ad val	45% ad val.
		Other:		
A	722.32	For motion-picture cameras	7.5% ad val	20% ad val.
A	722.34	Other	10% ad val	20% ad val.

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

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GSP	Item	Articles	Rates of duty	
			1	2
		Subpart F—Photographic Equipment and Supplies—Continued		
		Projectors, and combination camera-projectors, with our without sound reproducing, or sound recording and reproducing, systems:		
A	722.40	Projectors other than motion-picture projectors	17.5% ad val	45% ad val.
		Motion-picture projectors:		
A	722.42	With sound recording and reproducing systems; and those capable of projecting only sound motion pictures.	5.5% ad val	45% ad val.
A	722.44	Other	17.5% ad val	45% ad val.
A	722.46	Combination camera-projectors	17.5% ad val	45% ad val.
A	722.50	Parts of any of the foregoing projectors or camera-projectors.	17.5% ad val	45% ad val.
		Photographic film viewers, titlers, splicers, and editors, all the foregoing and combinations thereof, and parts of such articles and combinations:		
		Articles containing an optical lens or designed to contain such a lens, and parts thereof:		
A	722.52	Editors, and combination editor-splicers, for motion-picture film, and parts thereof.	17.5% ad val	45% ad val.
A	722.55	Other	22.5% ad val	45% ad val.
A	722.56	Other	7% ad val	35% ad val.
A	722.60	Lens caps; lens hoods; and adapter rings for attaching lens hoods, filters, supplemental lenses, or other attachments to photographic cameras.	9.5% ad val	45% ad val.
A	722.64	Photographic filters for cameras, enlargers, or photofinishing equipment.	10% ad val	20% ad val.
A	722.70	Photographic projection screens	10% ad val	50% ad val.
A	722.72	Photographic flash-lighting apparatus, including electronic stroboscopic flash apparatus.	5.5% ad val	35% ad val.
A	722.75	Photographic light meters	4.5% ad val	27.5% ad val.
A	722.78	Range finders designed to be used with photographic cameras, and parts thereof.	12.5% ad val	45% ad val.
A	722.80	Photographic film reels and reel cans	9.5% ad val	45% ad val.
A	722.82	Frames or mounts for photographic slides	9.5% ad val	45% ad val.
		Half-tone screens designed for use in engraving or photographic processes:		
A	722.83	Made photographically on plastics material	4% ad val	25% ad val.
A	722.85	Other	13.5% ad val	55% ad val.
		Equipment specially designed for photofinishing (still picture):		
A	722.86	Contact printers	5.5% ad val	35% ad val.
		Developing tanks:		
A	722.88	Of plastic and having a developing fluid capacity of not over 2 quarts.	10¢ per lb. +8.5% ad val	50¢ per lb. +40% ad val.
A	722.90	Other	9.5% ad val	45% ad val.
A	722.92	Enlarging easels	9.5% ad val	45% ad val.
A	722.94	Other, not specially provided for	5% ad val	35% ad val.
A	722.96	Equipment specially designed for processing and printing motion-picture film.	5% ad val	35% ad val.
		Photographic film, sensitized but not exposed:		
		Motion-picture film:		
A	723.05	Under 1 inch in width	5% ad val	25% ad val.
A	723.10	1 inch or more in width	0.05¢ per 16.5 sq. in	0.4¢ per 16.5 sq. in.
A	723.15	Other than motion-picture film	5% ad val	25% ad val.
A	723.20	Emulsion in sheet or strip form, photo-sensitive, but not exposed.	7.5% ad val	20% ad val.
A	723.25	Photographic dry plates	7.5% ad val	20% ad val.
		Photographic papers, including blue print and brown print papers, sensitized but not exposed:		
A	723.30	Silver halide papers	5% ad val	30% ad val.
A	723.32	Other	4% ad val	30% ad val.
A	723.35	Heat-sensitive papers designed for duplicating or recording, not exposed.	3.5% ad val	35% ad val.
		Subpart G—Motion Pictures; Tape Recordings, Phonograph Records, and Other Recordings; Recording Media; Scrap and Waste Photographic Film		
		Subpart G headnotes:		
		1. The provisions of items 724.05 and 724.10 are the only provisions in this subpart which cover photographic film on which pictures have been recorded.		

PART 2—OPTICAL GOODS; SCIENTIFIC AND PROFESSIONAL INSTRUMENTS; WATCHES, CLOCKS, AND TIMING DEVICES; PHOTOGRAPHIC GOODS; MOTION PICTURES; RECORDINGS AND RECORDING MEDIA—Continued

[28 F.R. 8953]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart G—Motion Pictures; Tape Recordings, Phonograph Records, and Other Recordings; Recording Media; Scrap and Waste Photographic Film—Continued		
		Subpart G headnotes—Continued		
		2. For the purposes of assessing the duty on motion-picture film provided for in item 724.10, the footage of multiple film matrices of equal length, on each of which are recorded photographic images complementary to like images on the other matrices, shall be the length of a single matrix only, if such matrices are imported together for producing motion-picture film, in color, of a length no greater than that of one of the imported matrices.		
		Motion-picture film in any form on which pictures, or sound and pictures, have been recorded, whether or not developed:		
	724.05	Newsreels, not developed, of current events abroad	Free	Free.
A	724.10	Other	0.48¢ per lin. ft	3¢ per lin. ft.
A	724.12	Magnetic video tape on which pictures or pictures and sound have been recorded.	0.4¢ per lin. ft	1.0¢ per lin. ft.
	724.15	News sound recordings relating to current events abroad	Free	Free.
A	724.20	Sound recordings (except those provided for in item 724.05) produced on photographic or magnetic film, tape, or wire, and suitable for use in connection with motion-picture exhibits.	0.5¢ per lin. ft	1¢ per lin. ft.
A	724.25	Phonograph records (except those provided for in item 724.15).	5% ad val	30% ad val.
	724.30	Sound recordings on discs of soft wax (master records), or metal matrices obtained therefrom, for use in the manufacture of sound records for export.	Free	Free.
		Sound recordings, and magnetic recordings, not provided for in the foregoing provisions of this subpart:		
A*	724.35	Recorded on wire	0.4¢ per lin. ft	1¢ per lin. ft.
A	724.40	Recorded on magnetic tape or on any medium other than wire.	1¢ per sq. ft. of recording surface.	8¢ per sq. ft. of recording surface.
A	724.45	Magnetic recording media not having any material recorded thereon.	6% ad val	80% ad val.
	724.50	Scrap and waste photographic film fit only for the recovery of its constitutent materials.	Free	Free.

See footnotes at end of table.

AMENDMENTS

Subpart A, headnote 4, added by Pub. L. 89–241, §§ 2(a), 40(b), Oct. 7, 1965, 79 Stat. 933, 942, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Subpart D, headnotes 1 and 2(a), amended by Pub. L. 89–241, §§ 2(a), 36(k)(1), Oct. 7, 1965, 79 Stat. 933, 941, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Subpart E, headnote 5, added by Pub. L. 89–241, §§ 2(a), 63(a), Oct. 7, 1965, 79 Stat. 933, 946, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Subpart E, headnote 6, added by Pub. L. 89–805, § 1 (b), (c), Nov. 10, 1966, 80 Stat. 1521, 1522, to apply only with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1967.

Item 709.06 added by Pub. L. 89–241, §§ 2(a), 60(a), Oct. 7, 1965, 79 Stat. 933, 945, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 709.10 amended by Pub. L. 91–655, Jan. 5, 1971, 84 Stat. 1945 applicable with respect to articles entered, or withdrawn from warehouse, for consumption after Jan. 5, 1971.

Item 709.10 amended by Pub. L. 89–241, §§ 2(a), 60(b), Oct. 7, 1965, 79 Stat. 933, 945, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 710.12 amended by Pub. L. 89–241, §§ 2(a), 61, Oct. 7, 1965, 79 Stat. 933, 945, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 710.88 amended by Pub. L. 89–241, §§ 2(a), 62, Oct. 7, 1965, 79 Stat. 933, 946, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 711.67 substituted in lieu of repealed article description preceding item 711.65 and repealed items 711.65 and 711.70 by Pub. L. 89–241, §§ 2(a), 63(b), Oct. 7, 1965, 79 Stat. 933, 946, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 711.85 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 711.90. Article description preceding item 711.90 and items 711.90, 711.91, and 711.98 substituted in lieu of struck article description preceding item 711.90, struck item 711.90, struck article description preceding item 711.94, and struck items 711.94, 711.96, and 711.98 by Pub. L. 89–241, §§ 2(a), 36(k)(2), Oct. 7, 1965, 79 Stat. 933, 941, to apply with respect to articles entered or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965. See, also, note for item 711.91.

Item 711.91 added by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title. Former item 711.91 redesignated 711.93. See, also, item 711.90 note for former item 711.91.

Item 711.93, formerly 711.91, so redesignated by Pub. L. 89–283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79

Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 711.99 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 712.25. Article description preceding item 712.25 and item 712.25 amended by Pub. L. 89-241, §§ 2(a), 36(k)(3), Oct. 7, 1965, 79 Stat. 933, 941, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 712.51 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 721.20 added by Pub. L. 89-283, title IV, §§ 401(a), 405(b), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 722.52 amended by Pub. L. 89-241, §§ 2(a), 64, Oct. 7, 1965, 79 Stat. 933, 946, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 722.83. Article description preceding item 722.83 and items 722.83 and 722.85 substituted in lieu of struck item 722.84 by Pub. L. 89-241, §§ 2(a), 65, Oct. 7, 1965, 79 Stat. 933, 946, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 723.35 amended by Pub. L. 89-241, §§ 2(a), 66, Oct. 7, 1965, 79 Stat. 933, 946, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 724.40 amended by Pub. L. 89-241, §§ 2(a), 67, Oct. 7, 1965, 79 Stat. 933, 946, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 708.01, 708.03, 708.05, 708.07, 708.09, 708.21, 708.23, 708.25, 708.27, 708.29, 708.41, 708.43, 708.45, 708.47, 708.51 to 708.53, 708.55, 708.57, 708.71 to 708.73, 708.75, 708.76, 708.78, 708.80, 708.82, 708.85, 708.87, 708.89, 708.91, 708.93, 709.01, 709.03, 709.05 to 709.07, 709.09, to 709.11, 709.13, 709.15, 709.17, 709.19, 709.21, 709.23, 709.25, 709.27, 709.45, 709.50, 709.54 to 709.57, 709.61, 709.63, 709.66, 710.04, 710.06, 710.08, 710.12, 710.14, 710.16, 710.20, 710.21, 710.26, 710.27, 710.30, 710.34, 710.36, 710.40, 710.42, 710.46, 710.50, 710.60, 710.61, 710.63, 710.65, 710.67, 710.68, 710.70, 710.72, 710.76, 710.78, 710.80, 710.86, 710.88, 710.90, 711.04, 711.08, 711.25, 711.30, 711.36, 711.37, 711.40, 711.42, 711.45, 711.47, 711.49, 711.55, 711.60, 711.67, 711.82 to 711.84, 711.86, 711.88, 711.90, 711.93, 711.98, 712.05, 712.10, 712.12, 712.15, 712.20, 712.25, 712.27, 712.47, 712.49, 713.05, 713.07, 713.09, 713.11, 713.15, 713.17, 713.19, 715.20, 715.25, 715.27, 715.29, 715.31, 715.33, 715.40, 715.45, 715.47, 715.49, 715.51, 715.53, 715.60, 715.62, 715.64, 715.66, 715.68, 718.08, 720.02, 720.04, 720.06, 720.08, 720.10, 720.12, 720.14, 720.16, 720.18, 720.20 to 720.22, 720.24 to 720.26, 720.28 to 720.30, 720.32 to 720.34, 720.36, 720.40, 720.42, 720.44, 720.60, 720.70, 720.75, 720.80, 720.82, 720.84, 720.86, 720.90, 720.92, 720.94, 721.05, 721.10, 721.12, 722.02, 722.04, 722.10, 722.12, 722.16, 722.18, 722.30, 722.32, 722.34, 722.40, 722.42, 722.44, 722.46, 722.50, 722.52, 722.55, 722.56, 722.60, 722.64, 722.70, 722.72, 722.75, 722.78, 722.80, 722.82, 722.83, 722.85, 722.86, 722.88, 722.90, 722.92, 722.94, 722.96, 723.05, 723.10, 723.15, 723.20, 723.25, 723.30, 723.32, 723.35, 724.10, 724.12, 724.20, 724.25, 724.35, 724.40 and 724.45, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 3—MUSICAL INSTRUMENTS, PARTS, AND ACCESSORIES

[28 F.R. 8973]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Musical Instruments *Subpart A headnotes:* 1. This subpart does not cover— (i) articles which are toys (see part 5 of this schedule); or (ii) articles which are antiques (see part 11 of this schedule). 2. For the purposes of this subpart— (a) the term "brass wind instruments" refers to wind instruments of the "cupped-mouthpiece family" such as, but not limited to, trumpets, trombones, tubas, bass horns, sousaphones, bugles, French horns, cornets, flugelhorns, and saxhorns; (b) the term "wood-wind instruments" refers to wind instruments, usually sounded with reeds, and includes, but is not limited to, clarinets, oboes, bassoons, English horns, flutes, recorders, fifes, flageolets, piccolos, saxophones, and sarrusophones; and (c) the term "electronic musical instruments" embraces all musical instruments in which the sound is generated electrically, and conventional-type instruments not suitable for playing without electrical amplification, but the term does not include conventional-type instruments, fitted with electrical pickup and amplifying devices, when the instrument is suitable for playing without such amplification. 3. The provisions of this subpart for string, wind, and percussion musical instruments include such instruments whether or not fitted with electrical pickup and amplifying devices. Such devices, however, are separately classifiable from the musical instrument with which imported unless such devices are, or are designed and intended to be, fitted into or housed in the instrument itself.		

PART 3—MUSICAL INSTRUMENTS, PARTS, AND ACCESSORIES—Continued

[28 F.R. 8973]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Musical Instruments—Continued		
		Stringed musical instruments:		
		Pianos (including player pianos, whether or not with keyboards); harpsichords, clavichords, and other keyboard stringed instruments:		
	725.01	Pianos (including player pianos, whether or not with keyboards), except grand pianos.	10% ad val	40% ad val.
A	725.03	Other	8.5% ad val	40% ad val.
A	725.04	Violins, violas, violoncellos, and double basses	25¢ each +7% ad val	$1.25 each +35% ad val.
A	725.06	Other stringed instruments	17% ad val	40% ad val.
		Wind musical instruments:		
		Organs:		
A	725.10	Pipe	5% ad val	35% ad val.
A	725.12	Other	8.5% ad val	40% ad val.
		Accordions and concertinas:		
A	725.14	Piano accordions	7% ad val	40% ad val.
A	725.16	Other	8% ad val	40% ad val.
A	725.18	Mouth organs	7% ad val	40% ad val.
		Brass wind instruments:		
A	725.20	Valued not over $10 each	30% ad val	40% ad val.
A	725.22	Valued over $10 each	10% ad val	40% ad val.
		Wood-wind instruments:		
	725.23	Bagpipes	Free	40% ad val.
A	725.24	Other	7.5% ad val	40% ad val.
A	725.26	Other wind instruments	8.5% ad val	40% ad val.
		Percussion musical instruments:		
A	725.30	Cymbals	5% ad val	40% ad val.
A	725.32	Drums	8.5% ad val	40% ad val.
		Sets of tuned bells known as chimes, peals, or carillons:		
A	725.34	Containing not over 22 bells	5% ad val	40% ad val.
A	725.36	Containing over 22 but not over 34 bells	7% ad val	20% ad val.
A	725.38	Containing over 34 bells	3% ad val	20% ad val.
A	725.40	Other	8.5% ad val	40% ad val.
		Electronic musical instruments:		
A	725.46	Fretted stringed instruments	17% ad val	40% ad val.
A	725.47	Other	17% ad val	40% ad val.
		Other musical insturments:		
A	725.50	Music boxes	8% ad val	40% ad val.
A	725.52	Other	8.5% ad val	40% ad val.
		Subpart B—Musical Instrument Parts and Accessories		
		Subpart B headnote:		
		1. This subpart does not cover electrical pickup or amplifying devices or other articles which are provided for in part 5 of schedule 6 or part 2 of schedule 7.		
A	726.05	Cases for musical instruments	8.5% ad val	50% ad val.
A	726.10	Metronomes, pitch pipes, tuning forks, and tuning hammers, all the foregoing for whatever use intended.	7% ad val	40% ad val.
A	726.15	Bow rosin	6% ad val	15% ad val.
A	726.20	Bow hair	20% ad val	40% ad val.
A	726.25	Mutes for musical instruments; pedals, dampers, and spurs for drums; pedals and holders for cymbals; lyres and other music holders for attachment to musical instruments; and collapsible stands for holding music or for holding musical instruments.	9.5% ad val	45% ad val.
A	726.40	Strings for musical instruments	7% ad val	40% ad val.
A	726.45	Tuning pins	17¢ per 1000 pins +6% ad val.	$1 per 1000 pins +35% ad val.
		Parts of violins, violas, violoncellos, and double basses (except strings but including chin rests and shoulder rests):		
A	726.50	Bows, parts of bows, and chin rests	7% ad val	40% ad val.
A	726.52	Other	8% ad val	40% ad val.
A	726.55	Parts of stringed musical instruments provided for in item 725.06 (except strings and tuning pins).	17% ad val	40% ad val.
		Parts of pipe organs:		
A	726.60	Player actions, and parts thereof	6% ad val	60% ad val.
A	726.62	Other	5% ad val	35% ad val.
A	726.63	Parts of accordions and concertinas	7% ad val	40% ad val.
A	726.65	Parts of brass wind instruments	10% ad val	40% ad val.
		Parts of wood-wind instruments:		
	726.69	Parts of bagpipes	Free	40% ad val.
A*	726.70	Other	7.5% ad val	40% ad val.
A	726.75	Movements and other parts of music boxes	8% ad val	40% ad val.
		Musical instrument parts not specially provided for:		
	726.85	Piano parts	8.5% ad val	40% ad val.
A	726.90	Other	8.5% ad val	40% ad val.

See footnotes at end of table.

AMENDMENTS

Items 725.01 and 725.03 added and item 725.02 deleted by Proc. No. 3964, Feb. 21, 1970, 35 F.R. 3645.

Item 725.23. Article description preceding item 725.23 and items 725.23 and 725.24 substituted in lieu of struck item 725.24 by Pub. L. 90-234, §§ 1(a), 2(a), Dec. 30, 1967, 81 Stat. 752, to apply with respect to articles entered or withdrawn from warehouse, for consumption on or after Dec. 30, 1967.

Item 725.45 struck out an article description preceding item 725.46 and items 725.46 and 725.47 substituted in lieu thereof by Pub. L. 89-241, §§ 2(a), 68, Oct. 7, 1965, 79 Stat. 933, 946, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 726.69. Article description preceding item 726.69 and items 726.69 and 726.70 substituted in lieu of struck item 726.70 by Pub. L. 90-234, §§ 1(b), 2(a), Dec. 30, 1967, 81 Stat. 752, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Dec. 30, 1967.

Items 726.85 and 726.90 added, and item 726.80 deleted, by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

PROCLAMATION OF DUTY RATES FOR WOOD-WIND AND PARTS OF WOOD-WIND INSTRUMENTS

Pub. L. 90-234, § 2(b)(1), Dec. 30, 1967, 81 Stat. 752 provided that: "The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as amended by the first section of this Act) [amendments relating to items 725.23, 725.24, 726.69, 726.70] shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party."

PROC. NO. 4189. EXTENSION OF INCREASED RATE OF DUTY ON IMPORTS OF CERTAIN PIANOS

Proc. No. 4189, Feb. 20, 1973, 38 F.R. 4935, provided:

Pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821) (hereinafter "TEA"), the President, by Proclamation No. 2929 of June 2, 1951, No. 3140 of June 13, 1956, and No. 3822 of December 16, 1967 (65 Stat. c12, 70 Stat. c33, and 82 Stat. 1455), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out trade agreements into which he had entered;

Among the proclaimed modifications were modifications in the rate of duty on pianos which were provided for in item 725.02 of the Tariff Schedules of the United States (19 U.S.C. 1202) (hereinafter "TSUS").

Pursuant to sections 201(a)(2) and 351(a)(1) of the TEA (19 U.S.C. 1821(a)(2), 19 U.S.C. 1981(a)(1)), and in accordance with section 253(d) of said Act (19 U.S.C. 1883(d)), and Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58, 8 UST (pt. 2) 1786), the President by Proclamation No. 3964 of February 21, 1970 (84 Stat. 2212) proclaimed two new items in the TSUS for pianos, including item 725.01 applicable to pianos, except grand pianos, and also proclaimed increased duties on imports of such pianos in item 924.00 of Subpart A of Part 2 of the Appendix to the TSUS, which increased duties are scheduled to terminate on February 21, 1973;

In accordance with section 351(c)(2) of the TEA (19 U.S.C. 1981(c)(2)), after taking into account advice received from the Tariff Commission under section 351(d)(3) of the TEA (19 U.S.C. 1981(d)(3)) and after seeking advice of the Secretaries of Commerce and Labor, I have determined that the extension as hereinafter proclaimed of the increased duties currently in effect on imports of pianos, except grand pianos, provided for in item 924.00 of the TSUS from February 21, 1973 to February 20, 1974, is in the national interest;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 201(a)(2) and 351(c)(2) of the Trade Expansion Act, and in accordance with section 253(d) of said Act and Article XIX of the General Agreement on Tariffs and Trade, do proclaim that—

(1) The column numbered 1 rates of duty provided for in TSUS item 725.01 by Proclamation 3822, as modified by paragraph 2(b) of Proclamation 3964, are hereby further modified to read as follows:

	"Rate of duty effective on and after—		
	Feb. 21, 1970	Jan. 1, 1975	Jan. 1, 1976
725.01	11.5% ad val.	10% ad val.	8.5% ad val."

(2) The increased rate of duty on imports of pianos provided for in item 924.00 of Subpart A to Part 2 of the Appendix to the TSUS is extended to articles entered, or withdrawn from warehouse, for consumption on and after February 21, 1973, and before the close of February 20, 1974.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of February in the year of our Lord nineteen hundred and seventy-three, and of the Independence of the United States of America the one hundred and ninety-seventh.

RICHARD NIXON.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 725.02, 725.04, 725.06, 725.10, 725.12, 725.14, 725.16, 725.18, 725.22, 725.24, 725.26, 725.30, 725.32, 725.34, 725.36, 725.38, 725.40, 725.46, 725.50, 725.52, 726.05, 726.10, 726.15, 726.25, 726.40, 726.45, 726.50, 726.52, 726.55, 726.60, 726.62, 726.63, 726.65, 726.70, 726.75 and 726.80, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 4—FURNITURE; PILLOWS, CUSHIONS, AND MATTRESSES; NONTEXTILE FLOOR COVERINGS

[28 F.R. 8977]

Subpart A—Furniture, Pillows, Cushions, and Mattresses

Subpart A headnote:

1. For the purposes of this subpart, the term "furniture" includes movable articles of utility, designed to be placed on the floor or ground, and used to equip dwellings, offices, restaurants, libraries, schools, churches, hospitals, or other establishments, aircraft, vessels, vehicles, or other means of transport, gardens, patios, parks, or similar outdoor places, even though such articles are designed to be screwed, bolted, or otherwise fixed in place on the floor or ground; and kitchen cabinets and similar cupboards, seats, and beds and sectional bookcases and similar sectional furniture, even though designed to be fixed to the wall or to stand one on the other; but the term does not include—
   - (i) antique furniture provided for in part 11B of schedule 7;
   - (ii) articles of concrete, of stone, or of ceramic ware (see parts 1 and 2 of schedule 5);
   - (iii) lamps and other lighting apparatus (see part 5 of schedule 6);
   - (iv) floor coverings (see part 2B of schedule 2, part 5 of schedule 3, and subpart B of this part);
   - (v) blinds, shutters, curtains, screens, and shades (see parts 1E and 2B of schedule 2);
   - (vi) furnishings provided for in part 5 of schedule 3;
   - (vii) mirrors (see part 3 of schedule 5);
   - (viii) waste paper baskets;
   - (ix) game tables and equipment, or toys (see part 5 of this schedule);
   - (x) safes (see part 3F of schedule 6);
   - (xi) refrigerators, freezers, dishwashers, stoves, clothes washers or dryers, television sets, radios, and phonographs (see parts 3F, 4, and 5 of schedule 6);
   - (xii) furniture specially designed for X-ray work (see part 2B of schedule 7); or
   - (xiii) furniture specially designed for sewing machines (see part 4E of schedule 6).

GSP	Items	Articles	Rates of Duty 1	Rates of Duty 2
		Furniture designed for hospital, medical, surgical, veterinary, or dental use; dentists', barbers' and similar chairs with mechanical elevating, rotating, or reclining movements; and parts of the foregoing:		
A	727.02	Dentists', barbers' and similar chairs with mechanical elevating, rotating, or reclining movements, and parts thereof.	5.5% ad val	35% ad val.
A	727.04	Other	8.5% ad val	40% ad val.
A	727.06	Furniture designed for motor-vehicle use, and parts thereof.	4% ad val	25% ad val.
	727.07	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Furniture, and parts thereof, not specially provided for:		
	727.10	Of unspun fibrous vegetable materials	16% ad val	60% ad val.
		Of wood:		
A	727.15	Bent-wood furniture, and parts thereof	12.5% ad val	42.5% ad val.
		Other:		
A	727.30	Chairs	8.5% ad val	40% ad val.
A	727.35	Furniture other than chairs	5% ad val	40% ad val.
	727.40	Parts of furniture	8.5% ad val	40% ad val.
	727.45	Of textile materials, except cotton	17.5% ad val	80% ad val.
		Of rubber or plastics:		
A	727.47	Of reinforced or laminated plastics	15% ad val	65% ad val.
A	727.48	Other	6% ad val	25% ad val.
A	727.52	Of copper	6% ad val	45% ad val.
A	727.55	Other	10% ad val	45% ad val.
		Pillows, cushions, mattresses, and similar furnishings, and the foregoing, whether or not fitted with covers and with or without electrical heating elements, fitted with springs, stuffed, or both, or of expanded, foamed, or sponge rubber or plastics:		
	727.82	Of cotton	15% ad val	40% ad val.
A	727.86	Other	15% ad val	40% ad val.

PART 4—FURNITURE; PILLOWS, CUSHIONS, AND MATTRESSES; NONTEXTILE FLOOR COVERINGS—Continued

[28 F.R. 8977]

Subpart B—Nontextile Floor Coverings

Subpart B headnotes:

1. This subpart covers certain hardsurfaced floor coverings and floor coverings not specially provided for, but does not cover—

(i) floor coverings of unspun fibrous vegetable materials (see part 2B of schedule 2);

(ii) floor coverings of textile materials (see part 5A of schedule 3); or

(iii) floor coverings of fur or leather (see part 13B of schedule 7).

2. For the purposes of this subpart—

(a) the term "linoleum" embraces a covering consisting of oxidized linseed oil or other drying oils with added fillers such as wood flour, cork, resins, and color pigments, whether or not applied to a base of burlap, felt, or other material, and whether or not cut or made into sizes for rugs, carpets, mats, tiles, table or counter tops, or other articles;

(b) the term "inlaid" (item 728.05), as used with regard to linoleum, refers to linoleum having a design or pattern which extends vertically from the wearing surface through to the other surface or to the base, if one is present;

(c) the term "floor coverings" embraces articles which, whether in the form of continuous sheets or made or cut into rugs, carpets, tiles, or other shapes, are suitable for use as floor coverings in homes, business establishments, institutions, vehicles, or elsewhere; and

(d) the term "felt-base" (item 728.15), as used with regard to floor coverings, embraces a floor covering with a base of paper felt, usually asphalt saturated, and a wearing surface wholly of paints or enamels.

GSP	Items	Articles	Rates of Duty	
			1	2
		Linoleum:		
A	728.05	Inlaid	10.5% ad val	42% ad val.
A	728.10	Other	6% ad val	35% ad val.
A	728.15	Felt-base floor coverings	5% ad val	40% ad val.
A	728.20	Floor coverings wholly of cork	2.5¢ per lb	10¢ per lb.
A	728.25	Floor coverings not specially provided for	8.5% ad val	40% ad val.
	728.30	Any article described in the foregoing provisions of this subpart, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

AMENDMENTS

Item 727.06 added by Pub. L. 89-241, §§ 2(a), 36(1), Oct. 7, 1965, 79 Stat. 933, 941, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 727.07 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Items 727.82 and 727.86 added, and item 727.80 deleted, by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 728.20 amended by Pub. L. 89-241, §§ 2(a), 12(b), Oct. 7, 1965, 79 Stat. 933, 935, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 728.30 added by Pub. L. 89-283, title IV, §§ 401(a), 405(c), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 727.02, 727.04, 727.06, 727.10, 727.15, 727.30, 727.35, 727.40, 727.45, 727.47, 727.48, 727.52, 727.55, 727.80, 728.05, 728.10, 728.15, 728.20 and 728.25, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 5—ARMS AND AMMUNITION; FISHING TACKLE; WHEEL GOODS; SPORTING GOODS, GAMES AND TOYS

[28 F.R. 8981]

Subpart A—Arms and Ammunition

Subpart A headnotes:

1. This subpart covers side arms, firearms, and other arms, whether designed for military, police, sporting, or other use; certain pistols, guns, and other devices which are not arms but which expend, or operate by means of, an explosive charge; bombs, grenades, torpedoes, mines, guided weapons and missiles, and similar munitions of war, and ammunition; and parts of the foregoing. This subpart does not cover—

(i) archery bows and arrows, and fencing foils (see subpart D of this part);

(ii) tools operated by means of an explosive charge, cutlery, hand tools, and similar implements (see parts 3E and 4F of schedule 6);

(iii) transportation equipment even if armed or otherwise designed for military use (see part 6 of schedule 6); or

(iv) flares and other chemical signals (see part 9A of this schedule).

2. For the purposes of this subpart, the term "firearms" covers every weapon or other device designed to project a missile by the firing of an explosive charge (including captive-bolt pistols, harpoon guns, and similar devices even though the projectiles are not completely released), and also includes any such device in the form of an object such as a walking stick, cane, pencil, pocket knife, or cigarette case; but the term does not include line-throwing guns, very light pistols or other devices designed to project signal flares, pistols or other devices designed to fire only blank cartridges or blank ammunition, or any other device similar to the foregoing which expends or operates by means of an explosive charge.

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
A	730.05	Swords, bayonets, and other side arms (except firearms), parts thereof, and scabbards and sheaths therefor.	8.5% ad val	50% ad val.
	730.10	Muskets, shotguns, rifles, pistols, and revolvers, all the foregoing which are firearms designed to fire shot, pellets, or bullets, but which are not designed to fire and are not capable of firing a fixed cartridge; and parts of the foregoing.	Free	Free.
		Pistols, revolvers, rifles, shotguns, and combination shotguns and rifles, all the foregoing which are firearms designed to fire shot, pellets, or bullets (except firearms provided for in item 730.10):		
		Pistols and revolvers:		
	730.15	Valued not over $4 each	$1 each +27.5% ad val	$2 each +55% ad val.
	730.17	Valued over $4 but not over $8 each	67¢ each +15% ad val	$2.50 each +55% ad val.
	730.19	Valued over $8 each	70¢ each +11% ad val	$3.50 each +55% ad val.
		Rifles:		
A	730.23	Valued not over $5 each	37¢ each +11% ad val	$1.50 each +45% ad val.
A	730.25	Valued over $5 but not over $10 each	$1 each +11% ad val	$4 each each +45% ad val.
A*	730.27	Valued over $10 but not over $25 each	$1.20 each +9% ad val	$6 each +45% ad val.
A*	730.29	Valued over $25 but not over $50 each	$2.50 each +11% ad val	$10 each +45% ad val.
A	730.31	Valued over $50 each	7% ad val	65% ad val.
		Shotguns:		
A	730.37	Valued not over $5 each	50¢ each +15% ad val	$1.50 each +45% ad val.
A	730.39	Valued over $5 but not over $10 each	50¢ each +15% ad val	$4 each +45% ad val.
A*	730.41	Valued over $10 but not over $25 each	$1.00 each +7.5% ad val	$6 each +45% ad val.
A	730.43	Valued over $25 but not over $50 each	$1.02 each +5% ad val	$10 each +45% ad val.
A	730.45	Valued over $50 each	8% ad val	65% ad val.
		Combination shotguns and rifles:		
A	730.51	Valued not over $5 each	32¢ each +9.5% ad val	$1.50 each +45% ad val.
A	730.53	Valued over $5 but not over $10 each	85¢ each +9.5% ad val	$4 each +45% ad val.
A	730.55	Valued over $10 but not over $25 each	$1.27 each +9.5% ad val	$6 each +45% ad val.
A	730.57	Valued over $25 but not over $50 each	$2.12 each +9.5% ad val	$10 each +45% ad val.
A	730.59	Valued over $50 each	13.5% ad val	65% ad val.
		Parts of the foregoing firearms (except parts of firearms described in item 730.10):		
	730.61	Pistol and revolver parts	21% ad val	105% ad val.
		Rifle parts:		
A	730.63	Stocks	$1 each +10% ad val	$5 each +50% ad val.
A	730.65	Barrels	80¢ each +10% ad val	$4 each +50% ad val.
A	730.67	Other	9% ad val	55% ad val.
		Shotgun parts:		
A	730.71	Stocks	42.5¢ each +5% ad val	$5 each +50% ad val.
		Barrels:		
A	730.73	Forged, in single tubes, rough bored	2.5% ad val	10% ad val.
A	730.74	Other	35¢ each +5% ad val	$4 each +50% ad val.
A	730.75	Other	6% ad val	55% ad val.
A	730.77	Combination rifle and shotgun parts	13.5% ad val	55% ad val.

See footnotes at end of table.

PART 5—ARMS AND AMMUNITION; FISHING TACKLE; WHEEL GOODS; SPORTING GOODS, GAMES AND TOYS—Continued

[28 F.R. 8981]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Arms and Ammunition—Continued		
		Other firearms (including captive-bolt pistols, harpoon guns, and similar devices); line-throwing guns, Very light pistols and other devices designed to project only signal flares, pistols and other devices designed to fire only blank cartridges or blank ammunition, all the foregoing, and any devices similar thereto, which expend, or operate by means of, an explosive charge; and parts of the foregoing:		
A	730.80	Pistols designed to fire only blank cartridges or blank ammunition, and parts thereof.	21% ad val	105% ad val.
A	730.81	Other	4.5% ad val	27.5% ad val.
		Arms (other than side arms and firearms), and parts thereof:		
		Pistols, rifles, and other arms which eject missiles by the release of compressed air or gas, or by the release of a spring mechanism or rubber held under tension, and parts thereof:		
A	730.85	Rifles, and parts thereof	17.5% ad val	70% ad val.
A	730.86	Other	4.5% ad val	27.5% ad val.
A	730.88	Other	9.5% ad val	45% ad val.
		Bombs, grenades, torpedoes, mines, guided weapons and missiles and similar munitions of war, and parts thereof; ammunition, and parts thereof:		
A	730.90	Cartridges and empty cartridge shells	12.5% ad val	30% ad val.
A	730.91	Percussion caps	6% ad val	30% ad val.
A	730.92	Gun wads	8% ad val	35% ad val.
A	730.93	Other	9% ad val	45% ad val.
		Subpart B—Fishing Tackle		
		Subpart B headnotes: 1. This subpart does not cover— (i) fish netting and fishing nets other than fish landing nets (see part 4C of schedule 3); (ii) feathers for artificial flies (see part 15D of schedule 1); (iii) fishing guns (see subpart A of this part); or (iv) watercraft or other transportation equipment (see part 6 of schedule 6).		
		Fish hooks, including snelled hooks:		
A	731.05	Snelled hooks	12.5% ad val	55% ad val.
A	731.06	Other	15% ad val	45% ad val.
A*	731.10	Fishing baskets or creels	12.5% ad val	45% ad val.
	731.15	Fishing rods, and parts thereof	16.5% ad val	55% ad val.
		Fishing reels and parts thereof:		
		Reels:		
A	731.20	Valued not over $2.70 each	23% ad val	55% ad val.
A	731.22	Valued over $2.70 but not over $8.45 each	62.5¢ each	55% ad val.
A	731.24	Valued over $8.45 each	7.5% ad val	55% ad val.
A	731.26	Parts	13.5% ad val	55% ad val.
A	731.30	Fishing casts or leaders	17.5% ad val	55% ad val.
		Fishing line put up and packaged for retail sale:		
	731.40	Of cotton	10% ad val	40% ad val.
A	731.42	Of flax	6.5% ad val	40% ad val.
A	731.44	Other	13.5% ad val	65% ad val.
A	731.50	Fish landing nets	12.5% ad val	40% ad val.
A	731.60	Equipment designed for sport fishing, fishing tackle, and parts of such equipment and tackle, all the foregoing not specially provided for.	12.5% ad val	55% ad val.
		Subpart C—Wheel Goods		
		Subpart C headnote: 1. For the purposes of classifying bicycles under the provisions therefor in this subpart, the diameter of each wheel is the diameter measured to the outer circumference of the tire which is mounted thereon or, if none is mounted thereon, of the usual tire for such wheel.		
		Bicycles:		
		Having both wheels not over 19 inches in diameter:		
	732.02	Valued not over $6.25 each	15% ad val	30% ad val.
	732.04	Valued over $6.25 but not over $8.33⅓ each	93.5¢ each	30% ad val.
	732.06	Valued over $8.33⅓ each	11% ad val	30% ad val.
		Having both wheels over 19 inches but not over 25 inches in diameter:		
	732.08	Valued not over $10 each	15% ad val	30% ad val.
	732.10	Valued over $10 but not over $13.33⅓ each	$1.50 each	30% ad val.
	732.12	Valued over $13.33⅓ each	11% ad val	30% ad val.

See footnotes at end of table.

PART 5—ARMS AND AMMUNITION; FISHING TACKLE; WHEEL GOODS; SPORTING GOODS, GAMES AND TOYS—Continued

[28 F.R. 8981]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart C—Wheel Goods—Continued		
		Bicycles—Continued		
		Having both wheels over 25 inches in diameter:		
		If weighing less than 36 pounds complete without accessories and not designed for use with tires having a cross-sectional diameter exceeding 1.625 inches:		
	732.14	Valued not over $8.33⅓ each	11% ad val	30% ad val.
	732.16	Valued over $8.33⅓ but not over $16.66⅔ each	93¢ each	30% ad val.
	732.18	Valued over $16.66⅔ each	5.5% ad val	30% ad val.
		Other:		
	732.20	Valued not over $12.50 each	15% ad val	30% ad val.
	732.22	Valued over $12.50 but not over $16.66⅔ each	15% ad val	30% ad val.
	732.24	Valued over $16.66⅔ each	11% ad val	30% ad val.
	732.26	Other	15% ad val	30% ad val.
		Parts of bicycles:		
		Frames:		
	732.30	Valued not over $4.16⅔ each	15% ad val	30% ad val.
	732.32	Valued over $4.16⅔ but not over $8.33⅓ each	62.5¢ each	30% ad val.
	732.34	Valued over $8.33⅓ each	7.5% ad val	30% ad val.
	732.36	Other parts of bicycles	15% ad val	30% ad val.
A	732.40	Doll carriages, doll strollers, and parts thereof	17.5% ad val	70% ad val.
		Tricycles, scooters, wagons, pedal cars, and other wheeled goods (except skates), all the foregoing designed to be ridden by children, and parts thereof:		
A	732.50	Chain-driven wheeled goods	4.5% ad val	27.5% ad val.
A	732.52	Other	9% ad val	45% ad val.
		Baby carriages, baby strollers, and parts thereof:		
A	732.60	Of metal	7.5% ad val	45% ad val.
A	732.62	Other	6% ad val	33⅓% ad val.
		Subpart D—Games and Sporting Goods		
		Subpart D headnotes:		
		1. This subpart covers equipment designed for indoor or outdoor games, sports, gymnastics, or athletics, but does not cover— (i) arms and ammunition or fishing tackle (see subparts A and B of this part); (ii) footwear, other than footwear with skates permanently attached (see part 1A of this schedule); (iii) headwear (see part 1B of this schedule); (iv) body-supporting garments provided for in part 6D of schedule 3; (v) other wearing apparel, other than specially designed protective articles such as, but not limited to, gloves, shoulder pads, leg guards, and chest protectors; or (vi) automobiles, motorcycles, or other vehicles; canoes, boats, or other watercraft; or aircraft (see part 6 of schedule 6). (vii) luggage (see part 1D of this schedule).		
		2. For the purposes of this subpart— (a) the term "in sets" (item 734.30), as used with regard to table-tennis equipment means at least 2 but not more than 4 bats, 1 net with requisite clamps and supports, and not over 6 balls, packaged together as a unit in immediate containers of a type used in retail stores.		
		Bagatelle, billiard, and pool equipment (except tables), and parts thereof:		
A	734.05	Balls	20% ad val	50% ad val.
A*	734.10	Other	8% ad val	33⅓% ad val.
A	734.15	Chess, checkers, pachisi, backgammon, darts, and other games played on boards of special design, all the foregoing games and parts thereof (including their boards); mah-jong, and dominoes; any of the foregoing games in combination with each other, or with other games, packaged together as a unit in immediate containers of a type used in retail sales; poker chips and dice.	10% ad val	50% ad val.
A	734.20	Game machines, including coin or disc operated game machines and including games having mechanical controls for manipulating the action, and parts thereof.	5.5% ad val	35% ad val.
A*	734.25	Playing cards	2¢ per pack + 2% ad val	10¢ per pack + 29% ad val.
		Table-tennis equipment (except tables), and parts thereof:		
A*	734.30	In sets	8% ad val	30% ad val.
		Not in sets:		
A	734.32	Balls	10% ad val.*	30% ad val.
A*	734.34	Other	8% ad val	30% ad val.
		Tables specially designed for games:		
A	734.40	Of wood	8% ad val	33⅓% ad val.
A	734.42	Other	9.5% ad val	45% ad val.
A	734.45	Archery equipment, and parts thereof	8.5% ad val	35% ad val.

See footnotes at end of table.

PART 5—ARMS AND AMMUNITION; FISHING TACKLE; WHEEL GOODS; SPORTING GOODS, GAMES AND TOYS—Continued

[28 F.R. 8981]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart D—Games and Sporting Goods—Continued		
		Badminton equipment, and parts thereof:		
	734.48	Nets of cotton, whether or not in badminton sets	14% ad val	30% ad val.
A*	734.51	Other	14% ad val	30% ad val.
		Baseball equipment and parts thereof:		
A*	734.54	Baseball and softball gloves and mitts	15% ad val	30% ad val.
A*	734.56	Other	7.5% ad val	30% ad val.
A	734.60	Croquet equipment, and parts thereof	8% ad val	30% ad val.
	734.65	Curling stones, and parts thereof	Free	Free.
		Football, soccer, and polo equipment, and parts thereof:		
A	734.70	Balls	5% ad val	30% ad val.
A	734.71	Polo mallet and soccer guards	4% ad val	30% ad val.
A	734.72	Other	7.5% ad val	30% ad val.
		Golf equipment, and parts thereof:		
A	734.75	Balls and parts thereof	6% ad val	30% ad val.
A	734.77	Other	7.5% ad val	30% ad val.
A	734.80	Ice-hockey and field-hockey equipment (except skates), and parts thereof..	4.5% ad val	30% ad val.
		Lawn-tennis equipment, and parts thereof:		
A	734.85	Balls	6% ad val.*	30% ad val.
		Rackets, whether or not strung:		
A	734.86	Not strung	5.5% ad val	30% ad val.
A*	734.87	Strung	8.5% ad val	30% ad val.
A	734.88	Other	4% ad val	30% ad val.
		Skates (including footwear with skates permanently attached), and parts thereof:		
A	734.90	Roller skates, and parts thereof	5% ad val	20% ad val.
		Ice-skates and parts thereof:		
A	734.91	Footwear with ice-skates permanently attached	10% ad val	20% ad val.
A	734.93	Other	5% ad val	20% ad val.
		Skis and ski equipment, snowshoes, sleds, and toboggans, all the foregoing and parts thereof:		
A	734.95	Toboggans	5% ad val	33⅓% ad val.
A	734.96	Skis and snowshoes	8% ad val	33⅓% ad val.
A	734.97	Other	9% ad val	45% ad val.
A	735.05	Boxing gloves, and other gloves, not provided for in the foregoing provisions of this subpart, specially designed for use in sports.	7.5% ad val	30% ad val.
		Beach balls, play balls, toy balls, and other balls for games or sports, not provided for in the foregoing provisions of this subpart:		
A	735.09	Inflatable balls	12% ad val	30% ad val.
A	735.10	Noninflatable hollow balls not over 7.5 inches in diameter.	17.5% ad val	70% ad val.
A*	735.11	Sponge rubber balls	13.5% ad val	70% ad val.
A	735.12	Other	7.5% ad val	30% ad val.
A	735.15	Underwater breathing devices designed as a complete unit to be carried on the person and not requiring attendants.	4.5% ad val	27.5% ad val.
A	735.17	Lacrosse sticks	3.5% ad val	30% ad val.
A	735.18	Skeet targets	5% ad val	20% ad val.
A	735.20	Puzzles; game, sport, gymnastic, athletic, or playground equipment; all the foregoing, and parts thereof, not specially provided for.	10% ad val	40% ad val.
		Subpart E—Models; Dolls, Toys, Tricks, Party Favors		
		Subpart E headnotes:		
		1. The articles described in the provisions of this subpart (except parts) shall be classified in such provisions, whether or not such articles are more specifically provided for elsewhere in the tariff schedules, but the provisions of this subpart do not apply to— (i) doll carriages, doll strollers, and parts thereof (see part 5C of this schedule); (ii) wheeled goods designed to be ridden by children, and parts thereof (see part 5C of this schedule); or (iii) games and other articles in items 734.15 and 734.20, toy balls (items 735.09-.12), and puzzles and games in item 735.20 (see part 5D of this schedule).		
		2. For the purposes of the tariff schedules, a "toy" is any article chiefly used for the amusement of children or adults.		

See footnotes at end of table.

PART 5—ARMS AND AMMUNITION; FISHING TACKLE; WHEEL GOODS; SPORTING GOODS, GAMES AND TOYS—Continued

[28 F.R. 8981]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart E—Models; Dolls, Toys, etc.—Continued		
		Model trains, model airplanes, model boats, and other model articles, all the foregoing whether or not toys; and construction kits or sets for making or assembling such model articles:		
	737.05	Models of inventions and of other improvements in the arts, to be used exclusively as models.	Free	Free.
		Other models, and construction kits or sets:		
A	737.07	Rail locomotives and rail vehicles; railroad, and railway rolling stock; track, including switching track; rail depots, roundhouses, signal towers, water towers, and other trackside structures; trolley buses and trolley-bus systems; cable-car systems; highway vehicles; ships and harbor structures; and airplanes and spacecraft; all the foregoing made to scale of the actual article at the ratio of 1 to 85 or smaller.	8% ad val	45% ad val.
A	737.09	Construction kits or sets with construction units prefabricated to precise scale of the actual article.	9.5% ad val	45% ad val.
A	737.15	Other	17.5% ad val	70% ad val.
	737.20	Dolls, and parts of dolls including doll clothing	17.5% ad val	70% ad val.
		Toy figures of animate objects (except dolls):		
		Not having a spring mechanism:		
		Stuffed:		
A	737.25	Valued not over 10 cents per inch of height	28% ad val	70% ad val.
A	737.30	Valued over 10 cents per inch of height	9% ad val	70% ad val.
		Not stuffed:		
A	737.35	Wholly or almost wholly of metal	10.5% ad val	70% ad val.
A*	737.40	Other	17.5% ad val	70% ad val.
		Having a spring mechanism:		
A	737.45	Wholly or almost wholly of metal	12% ad val	70% ad val.
A	737.50	Other	22% ad val	70% ad val.
	737.52	Toy books, including coloring books and books the only reading matter in which consists of letters, numerals, or descriptive words.	Free	Free.
A	737.55	Toy alphabet blocks; and toy building blocks, bricks, and shapes.	10.5% ad val	70% ad val.
A	737.60	Toy musical instruments	16% ad val.*	70% ad val.
A	737.65	Magic tricks, and practical joke articles	10% ad val	70% ad val.
A	737.70	Confetti, paper spirals or streamers, party favors, and noisemakers.	10% ad val	45% ad val.
		Toys, and parts of toys, not specifically provided for:		
A*	737.80	Toys having a spring mechanism	22% ad val	70% ad val.
		Other:		
	737.85	Kites	17.5% ad val	70% ad val.
A*	737.95	Other	17.5% ad val	70% ad val.

See footnotes at end of table.

AMENDMENTS

Item 734.25 amended by Pub. L. 89-241, §§ 2(a), 69, Oct. 7, 1965, 79 Stat. 933, 947, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 734.48 and 734.51 added, and item 734.50 deleted, by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 737.07 amended by Pub. L. 89-241, §§ 2(a), 70, Oct. 7, 1965, 79 Stat. 933, 947, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 737.52 amended by Pub. L. 89-651, §§ 2, 3(a)(2), Oct. 14, 1966, 80 Stat. 897, 898, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Items 737.85 and 737.95 added, and item 737.90 deleted, by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 730.05, 730.15, 730.17, 730.19, 730.23, 730.25, 730.27, 730.29, 730.31, 730.39, 730.41, 730.43, 730.45, 730.51, 730.53, 730.55, 730.57, 730.59, 730.61, 730.63, 730.65, 730.67, 730.71, 730.73, 730.74, 730.75, 730.77, 730.80, 730.81, 730.85, 730.86, 730.88, 730.90 to 730.93, 731.05, 731.06, 731.10, 731.15, 731.20, 731.22, 731.24, 731.26, 731.30, 731.40, 731.42, 731.44, 731.50, 731.60, 732.02, 732.04, 732.06, 732.08, 732.10, 732.12, 732.14, 732.16, 732.18, 732.20, 732.22, 732.24, 732.26, 732.30, 732.32, 732.34, 732.36, 732.40, 732.50, 732.52, 732.60, 732.62, 734.10, 734.15, 734.20, 734.25, 734.32, 734.40, 734.42, 734.45, 734.56, 734.70, 734.71, 734.72, 734.75, 734.77, 734.80, 734.85 to 734.88, 734.90, 734.93, 734.95 to 734.97, 735.05, 735.10 to 735.12, 735.15, 735.17, 735.18, 735.20, 737.07, 737.09, 737.15, 737.20, 737.30, 737.35, 737.40, 737.45, 737.50, 737.55, 737.60, 737.70, 737.80, 737.90, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 6—JEWELRY AND RELATED ARTICLES; CAMEOS; NATURAL, CULTURED, AND IMITATION PEARLS; IMITATION GEMSTONES; BEADS AND ARTICLES OF BEADS

[28 F.R. 8989]

Subpart A—Jewelry and Related Articles

Subpart A headnotes:

1. This subpart covers jewelry and other objects of personal adornment, small articles ordinarily carried in the pocket, in the handbag, or on the person for mere personal convenience, certain religious articles, and certain parts and materials. This subpart does not cover—
   (i) luggage (see part 1D of this schedule),
   (ii) watches (see part 2E of this schedule),
   (iii) brushes (see part 8A of this schedule),
   (iv) cigar or cigarette lighters or articles in which cigar or cigarette lighters are incorporated as integral parts (see part 9B of this schedule),
   (v) pens or pencils (see part 10 of this schedule),
   (vi) hand fans (see part 13A of this schedule), or
   (vii) manicure implements, pocket knives, and similar articles (see part 3E of schedule 6).

2. For the purposes of this subpart—
   (a) the term "jewelry and other objects of personal adornment" (items 740.05 through 740.38) includes rings, earrings and clips, bracelets (including watch bracelets and identification bracelets), necklaces, neck chains, watch chains, key chains, brooches, tie pins and clips, collar pins and clips, cuff links, dress-studs, buttons, buckles and slides, medals, military, fraternal and similar emblems and insignia (including those prescribed for military, police, or other uniforms), fobs, pendants, hair ornaments (including barretes, hairslides, tiaras, and dress combs), and similar objects of personal adornment, but does not include—
      (i) articles described in headnote 2(b) of this subpart,
      (ii) religious articles of a purely devotional character, or
      (iii) textile "motifs" as defined in headnote 2(a) of part 4B of schedule 3; and
   (b) the term "small articles ordinarily carried in the pocket, in the handbag, or on the person for mere personal convenience" (items 740.05 and 740.10) includes cigar and cigarette cases and holders, spectacle cases, coin purses, card cases, powder boxes, pocket combs, lipstick holders, money clips, and similar articles ordinarily carried in the pocket, in the handbag, or on the person for mere personal convenience, but does not include—
      (i) articles described in headnote 2(a) of this subpart,
      (ii) religious articles of a purely devotional character.

3. Items 740.30 through 740.38 cover articles described in headnote 2(a) of this subpart, except buttons, buckles, and slides, and hair ornaments (see parts 7A and 8A of this schedule).

4. Small articles ordinarily carried in the pocket, in the handbag, or on the person for mere personal convenience, which are not covered by the provisions of items 740.05 and 740.10, are provided for elsewhere in the schedules (e.g., see parts 1D, 8A, and 9B of this schedule).

GSP	Item	Articles	Rates of duty 1	Rates of duty 2
		Jewelry and other objects of personal adornment, and small articles ordinarily carried in the pocket, in the handbag, or on the person for mere personal convenience, all the foregoing, and parts thereof, of precious metal (including rolled precious metal), of precious stones, of natural pearls, of precious metal (including rolled precious metal) set with semiprecious stones, cameos, intaglios, amber, or coral, or of any combination of the foregoing:		
A	740.05	Of silver (including rolled silver) and valued not over $18 per dozen pieces or parts.	27.5% ad val	110% ad val.
A*	740.10	Other	12% ad val	80% ad val.
		Jewelry and other objects of personal adornment not provided for in the foregoing provisions of this part (except articles excluded by headnote 3 of this part), and parts thereof:		
A*	740.30	Valued not over 20 cents per dozen pieces or parts	18% ad val	45% ad val.
		Valued over 20 cents per dozen pieces or parts:		
		Watch bracelets:		
	740.34	Valued not over $5 per dozen	35% ad val	110% ad val.
	740.35	Valued over $5 per dozen	35% ad val	110% ad val.
A	740.38	Other	27.5% ad val	110% ad val.

See footnotes at end of table.

PART 6—JEWELRY AND RELATED ARTICLES; CAMEOS; NATURAL, CULTURED, AND IMITATION PEARLS; IMITATION GEMSTONES; BEADS AND ARTICLES OF BEADS—Continued

[28 F.R. 8989]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Jewelry and Related Articles—Continued		
		Religious articles of a purely devotional character designed to be worn on apparel or carried on or about or attached to the person:		
A	740.50	Rosaries and chaplets	7.5% ad val	50% ad val.
		Crucifixes and medals:		
A	740.55	Of precious metals (including rolled precious metals).	17.5% ad val	65% ad val.
A	740.60	Other	10% ad val	45% ad val.
		Rope, curb, cable, chain, and similar articles produced in continuous lengths, all the foregoing, whether or not cut to specific lengths and whether or not set with imitation pearls or imitation gemstones, of metal or of metal and such pearls or gemstones, suitable for use in the manufacture of articles provided for in this subpart:		
A	740.70	Of precious metals (including rolled precious metals)	17% ad val	80% ad val.
		Other:		
A	740.75	Valued not over 30¢ per yard	20% ad val	80% ad val.
A	740.80	Valued over 30¢ per yard	27.5% ad val	110% ad val.
		Subpart B—Cameos; Natural, Cultured, and Imitation Pearls; Imitation Gemstones; Beads and Articles of Beads		
		Subpart B headnote:		
		1. For the purposes of the tariff schedules, the term "imitation gemstones" means glass, plastics, or other materials made into shapes suitable for use in jewelry or for other ornamental purposes in a manner similar to natural gemstones, whether or not in imitation thereof, but does not include natural gemstones, synthetic gemstones, reconstructed natural gemstones, or imitation pearls.		
		Natural or cultured pearls and parts thereof, drilled or not drilled, but not strung (except temporarily) and not set:		
	741.05	Natural	Free	10% ad val.
A	741.06	Cultured	2.5% ad val	10% ad val.
A	741.10	Imitation pearls and imitation pearl beads of all shapes and colors, drilled or not drilled, but not strung (except temporarily) and not set.	20% ad val	60% ad val.
A	741.15	Coral, cut but not set, and cameos, suitable for use in jewelry.	2.5% ad val	10% ad val.
		Beads, bugles, and spangles (except natural, cultured, or imitation pearls), not strung (except temporarily) and not set:		
A*	741.20	Ivory	10% ad val	45% ad val.
A	741.25	Synthetic resin	13% ad val	75% ad val.
A	741.30	Other	7% ad val	40% ad val.
A	741.35	Imitation gemstones (except imitation gemstone beads)	3.5% ad val	20% ad val.
A	741.40	Medal rondelles suitable for use in the manufacture of jewelry, whether or not set with imitation pearls or with imitation gemstones.	20% ad val	80% ad val.
A	741.50	Articles not specially provided for, of beads, of bugles, of spangles, of imitation gemstones, or of any combination thereof.	12.5% ad val	60% ad val.

See footnotes at end of table.

AMENDMENTS

Item 740.35. Article description preceding item 740.35 and items 740.35 and 740.37 substituted in lieu of struck items 740.35 and 740.37 by Pub. L. 89-241, §§ 2(a), 71(a), Oct. 7, 1965, 79 Stat. 947, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 740.70. Article description preceding item 740.70 amended by Pub. L. 89-241, §§ 2(a), 71(b), Oct. 7, 1965, 79 Stat. 947, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 740.05, 740.10, 740.34, 740.38, 740.50, 740.55, 740.60, 740.70, 740.75, 740.80, 741.05, 741.06, 741.15, 741.20, 741.25, 741.30, 741.35, 741.40 and 741.50, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 7—BUTTONS, BUCKLES, PINS, AND OTHER FASTENING DEVICES; ARTIFICIAL AND PRESERVED FLOWERS AND FOLIAGE; MILLINERY ORNAMENTS; TRIMMINGS; AND FEATHER PRODUCTS

[28 F.R. 8993]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Buttons, Buckles, Pins, Hooks and Eyes, and Slide Fasteners		
		Subpart A headnotes:		
		1. This subpart does not cover— (i) jewelry and other objects of personal adornment provided for in part 6A of schedule 7; or (ii) harness and saddlery or riding-bridle hardware (see part 3D of schedule 6).		
		2. For the purposes of this subpart— (a) the term "line" in the rates of duty columns (items 745.20, 745.22, and 745.32) means the line button measure of one-fortieth of one inch; and (b) the term "button blanks" (item 745.40) is limited to raw or crude blanks suitable for manufacture into buttons.		
		3. [Deleted].		
		4. Buttons (whether finished or not finished) provided for in item 745.32 which are the product of an insular possession of the United States outside the customs territory of the United States and which are manufactured or produced from button blanks or unfinished buttons which were the product of any foreign country shall be subject to duty under item 745.32 at the rate which applies to products of such foreign country.		
		Buttons:		
		Of metal:		
A	745.04	Embossed with a design, pattern, or lettering	9% ad val	45% ad val.
		Other:		
A*	745.08	Valued not over 20 cents per dozen	5% ad val	35% ad val.
A	745.10	Valued over 20 cents per dozen	27.5% ad val	110% ad val.
A	745.20	Of pearl or shell	0.87¢ per line per gross + 12.5% ad val.	1.75¢ per line per gross + 25% ad val.
A	745.25	Of casein	7.5% ad val	45% ad val.
A	745.28	Of glass	9% ad val	45% ad val.
A	745.30	Wholly of horn	8.5% ad val	45% ad val.
	745.32	Of acrylic resin, of polyester resin, or of both such resins.	0.6¢ per line per gross + 10% ad val.	1.5¢ per line per gross + 25% ad val.
A	745.34	Other	9.5% ad val	45% ad val.
	745.40	Button blanks and molds, and parts of buttons	28.5% ad val	45% ad val.
A	745.45	Buckles and buckle slides, and parts thereof	9.5% ad val	45% ad val.
		Safety pins, hair pins, and pins consisting of a single shaft pointed on one end and headed on the other, all the foregoing without ornamentation:		
A	745.50	Plated with precious metal	25% ad val	65% ad val.
		Not plated with precious metal:		
A	745.52	Dressmakers' or common pins	20% ad val	35% ad val.
A	745.54	Hair pins	8% ad val	35% ad val.
A	745.56	Safety pins	22.5% ad val.[8]	35% ad val.
A	745.58	Other	8.5% ad val	35% ad val.
A	745.60	Hooks and eyes	1.87¢ per lb. (including weight of cards, cartons, and immediate wrappings and labels) + 10.5% ad val.	4.5¢ per lb. (including weight of cards, cartons, and immediate wrappings and labels) + 25% ad val.
		Clasps, handbag and similar frames incorporating clasps, and snap fasteners; all the foregoing and parts thereof:		
		Valued not over 20 cents per dozen pieces or parts:		
	745.63	Sew-on fasteners, and parts thereof	27.5% ad val	60% ad val.
A	745.65	Other	13.5% ad val	60% ad val.
		Valued over 20 cents per dozen pieces or parts:		
		For jewelry and other objects of personal adornment:		
A	745.66	Of precious metal except silver (including rolled precious metal except silver).	12% ad val	80% ad val.
A	745.67	Other	27.5% ad val	110% ad val.
A	745.68	Other	8.5% ad val	65% ad val.
		Slide fasteners, and parts thereof including tapes in continuous lengths but not including tapes wholly of textile fibers:		
		Fasteners:		
	745.70	Valued not over 4 cents each	25% ad val	66% ad val.
	745.72	Valued over 4 cents each	20% ad val	66% ad val.
	745.74	Parts	35% ad val	66% ad val.
	745.80	Any article described in the foregoing provisions of this subpart, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

PART 7—BUTTONS, BUCKLES, PINS, AND OTHER FASTENING DEVICES; ARTIFICIAL AND PRESERVED FLOWERS AND FOLIAGE; MILLINERY ORNAMENTS; TRIMMINGS; AND FEATHER PRODUCTS—Continued

[28 F.R. 8993]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Artificial and Preserved Flowers and Foliage; Millinery Ornaments; Trimmings; and Feather Products		
		Subpart B headnotes: 1. The provisions of items 748.20 and 748.21 do not include— (i) articles wholly or almost wholly of glass or ceramics; (ii) articles (other than individual parts, such as pistils, stamens, ovaries, petals, calyxes, leaves, and flower heads, fruits, or vegetables without stems and foliage) which have been obtained in one piece from stone, metal, wood, or other material by molding, stamping, carving, forging, or other process; (iii) articles consisting of parts assembled otherwise than by binding with flexible materials such as wire, paper, textile material, or foil, or by gluing, or by similar methods; or (iv) headwear (see part 1 of this schedule). 2. The provisions of items 748.20 and 748.21 include articles which are equipped with pins or similar devices for fastening the articles to wearing apparel as lapel or other ornaments.		
A	748.05	Lame and bullions	3¢ per lb. + 5% ad val	6¢ per lb. + 35% ad val.
A	748.10	Woven fabrics and ribbons, of tinsel wire, of lame, of bullions, of metalized yarns, or of any combination thereof, suitable for making insignia or ornamentation for uniforms of the United States Armed Forces.	8% ad val	55% ad val.
A*	748.12	Insignia, of tinsel wire, of lame, of bullions, of metalized yarns, or of any combination thereof, for uniforms of the United States Armed Forces.	6% ad val	45% ad val.
A	748.15	Festooning and Christmas tree decorations, of tinsel wire, of lame, of bullions, of metalized yarns, or of any combination thereof.	17.5% ad val	70% ad val.
		Artificial flowers, trees, foliage, fruits, vegetables, grasses, or grains, parts of the foregoing, and articles made of the foregoing (except articles provided for in item 748.15 or 748.40 of this subpart):		
A	748.20	Wholly or almost wholly of plastics	21% ad val	60% ad val.
A	748.21	Other	42.5% ad val	90% ad val.
A	748.25	Cut natural flowers, dried, bleached, colored, or chemically treated.	5% ad val	40% ad val.
		Grains, grasses, lichens, mosses, and other natural plants, all the foregoing, and parts thereof, dried, bleached, colored, or chemically treated, suitable for bouquets, wreaths, or other ornamental use:		
	748.30	Dried or bleached	Free	Free.
A	748.32	Other	11% ad val	50% ad val.
		Bouquets, boutonnieres, corsages, wreaths, and similar ornamental articles, all the foregoing made of articles described in item 748.30 or item 748.32:		
A	748.34	Wholly or almost wholly of articles described in item 748.30.	5% ad val	20% ad val.
A	748.36	Other	12.5% ad val	75% ad val.
A*	748.40	Feathers, whether or not on the skin, colored or otherwise processed; feathers suitable for use as millinery ornaments; feather flowers, feather trees, and similar ornamental articles of feathers; articles not specially provided for, of feathers.	7% ad val	60% ad val.

See footnotes at end of table.

AMENDMENTS

Subpart A, headnote 2, amended by Pub. L. 89-241, §§ 2(a), 72, Oct. 7, 1965, 79 Stat. 933, 947, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Subpart A, headnote 3, deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Subpart A, headnote 4, added by Pub. L. 89-806, § 2(a), (c), Nov. 10, 1966, 80 Stat. 1523, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 120th day after Nov. 10, 1966.

Items 745.21 and 745.22 deleted by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276.

Item 745.45 substituted in lieu of struck article description preceding item 745.45 and struck items 745.45 and 745.47 by Pub. L. 89-241, §§ 2(a), 73, Oct. 7, 1965, 79 Stat. 933, 947, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 745.63. Article descriptions preceding item 745.63, items 745.63 and 745.65, article descriptions preceding item 745.66, and items 745.66, 745.67, and 745.68 substituted in lieu of struck article descriptions preceding item 745.63 and struck items 745.63, 745.65, and 745.67 by Pub. L. 89-241, §§ 2(a), 74, Oct. 7, 1965, 79 Stat. 933, 947, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 745.70. Article description preceding item 745.70 amended by Pub. L. 89-241, §§ 2(a), 75, Oct. 7, 1965, 79 Stat. 933, 947, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 745.80 added by Pub. 89-283, title IV, §§ 401(a), 405(c), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 748.34. Article description preceding item 748.34 and items 748.34 and 748.36 substituted in lieu of struck item 748.35 by Pub. L. 89-241, §§ 2(a), 76, Oct. 7, 1965, 79 Stat. 933, 948, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 745.04, 745.08, 745.10, 745.20, 745.22, 745.25, 745.28, 745.30, 745.32, 745.34, 745.40, 745.45, 745.50, 745.54, 745.58, 745.60, 745.63, 745.65 to 745.68, 745.70, 745.72, 745.74, 748.05, 748.10, 748.12, 748.15, 748.20, 748.25, 748.32, 748.34, 748.36 and 748.40, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 8—COMBS; HAIR ORNAMENTS; BROOMS AND BRUSHES; PAINT ROLLERS; UMBRELLAS AND CANES

[28 F.R. 6997]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Combs, Hair Ornaments, Brooms and Brushes, Paint Rollers		
		Subpart A headnotes:		
		1. This subpart does not include— (i) mechanical combs, brooms, or brushes (other than combs or brushes which are toilet articles), or combs, brooms, or brushes which are parts of articles (other than toilet articles): (ii) combs, brooms, or brushes imported with, and as part of, fitted luggage and handbags (see part 1 D of schedule 7); (iii) pedicure or manicure sets (see part 3E of schedule 6); (iv) brushes imported with, and as part of, paint sets, kits, or color outfits (see part 9C of schedule 4); or (v) combs or hair ornaments provided for in part 6A of schedule 7.		
		2. For the purposes of this subpart, the term "combs" means toothed instruments having not over two rows of teeth, for adjusting, cleaning, or confining hair, or for personal adornment.		
		3. (a) If the President determines that the estimated annual domestic consumption of whiskbrooms of a kind described in items 750.26 to 750.28, inclusive, or of other brooms of a kind described in items 750.29 to 750.31, inclusive, has substantially changed since 1965 or since the date of the immediately preceding proclamation under this paragraph (if any), the quantity provided for in item 750.26 or 750.29, as the case may be, shall be modified by the percentage by which the President determines the estimated annual domestic consumption of the relevant brooms has changed in comparison with such estimated consumption in 1965 or at the time of such immediately preceding proclamation (if any). Such modified quantity shall be proclaimed by the President and shall, subject to the provisions of this paragraph, replace the quantity previously applicable under item 750.26 or 750.29. (b) If the President determines an allocation among supplying countries of the quantity provided for in item 750.26 or 750.29 to be in the national interest, he may proclaim such allocation.		
		Combs:		
A	750.05	Valued not over $4.50 per gross	0.2¢ each + 5¢ ad val	1¢ each + 25% ad val.
		Valued over $4.50 per gross:		
A	750.10	Wholly or almost wholly of rubber	0.7¢ each + 12% ad val	2¢ each + 35% ad val.
A	750.15	Other	0.4¢ each + 8% ad val	2¢ each + 35% ad val.
		Barrettes, hair-slides, tiaras, and other hair ornaments (except combs):		
A	750.20	Of rubber or plastics, not set with imitation pearls or imitation gemstones.	8.5% ad val	80% ad val.
A	750.22	Other	27.5% ad val	110% ad val.
A*	750.25	Nonthermic, nonornamental devices for curling the hair	19% ad val	45% ad val.

See footnotes at end of table.

PART 8—COMBS; HAIR ORNAMENTS; BROOMS AND BRUSHES; PAINT ROLLERS; UMBRELLAS AND CANES—Continued

[28 F.R. 8997]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Combs, Hair Ornaments, Brooms and Brushes, Paint Rollers—Continued		
		Brooms and brushes consisting of vegetable materials bound together but not mounted or set in a block or head, with or without handles:		
		Brooms wholly or in part of broom corn:		
		Whiskbrooms:		
		Valued not over 32¢ each:		
	750.26	In any calendar year prior to the entry, or withdrawal from warehouse, for consumption of 91,885 dozen (or such modified quantity as may become applicable under headnote 3(a) to this subpart) whiskbrooms classifiable under items 750.26 to 750.28, inclusive.	20% ad val	20% ad val.
	750.27	Other	12¢ each	12¢ each.
	750.28	Valued over 32¢ each	32% ad val	32% ad val.
		Other brooms:		
		Valued not over 96¢ each:		
	750.29	In any calendar year prior to the entry, or withdrawal from warehouse, for consumption of 161,540 dozen (or such modified quantity as may become applicable under headnote 3(a) to this subpart) brooms classifiable under items 750.29 to 750.31, inclusive.	20% ad val	20% ad val.
	750.30	Other	32¢ each	32¢ each.
	750.31	Valued over 96¢ each	32% ad val	32% ad val.
A	750.32	Other	25% ad val	25% ad val.
	750.33	If product of Cuba	20% ad val. (s)	
A*	750.35	Feather dusters	7% ad val	45% ad val.
		Other brooms and brushes:		
A	750.40	Tooth brushes	0.4¢ each + 8.5% ad val	2¢ each + 50% ad val.
		Toilet brushes, except tooth brushes:		
A	750.45	Valued not over 40¢ each	0.4¢ each + 17.5% ad val	1¢ each + 50% ad val.
A	750.47	Valued over 40¢ each	0.4¢ each + 5% ad val	1¢ each + 50% ad val.
		Artists' brushes and hair pencils:		
A	750.50	Valued not over 5 cents each	8% ad val	40% ad val.
A	750.55	Valued over 5 cents but not over 10 cents each	0.4¢ each	40% ad val.
A	750.60	Valued over 10 cents each	4% ad val	40% ad val.
A*	750.65	Paint brushes, except artists' brushes	10% ad val	50% ad val.
A	750.70	Other	14% ad val	50% ad val.
A	750.75	Combination toilet articles which contain combs, brushes, or combs and brushes, as integral parts.	14% ad val	50% ad val.
A	750.80	Paint rollers	16% ad val	50% ad val.
		Subpart B—Umbrellas, Walking Sticks, Whips, Riding Crops, and Parts Thereof		
		Subpart B headnotes: 1. For the purposes of this subpart, the term "umbrellas" refers to canopies of cloth, paper, or other material supported on a radiating frame which is collapsible around a supporting central shaft, and, in addition to ordinary umbrellas for protection against rain, includes parasols, beach umbrellas, tent umbrellas, cane umbrellas, and decorative umbrellas of the type usually made of paper on a wood or bamboo frame, but does not include miniature umbrellas of the type used as party favors or as toys. 2. Wood sticks, in the rough, or cut into lengths suitable for umbrellas, walking sticks, canes, seat sticks, whips, or riding crops, are provided for in part 1A and part 2B of schedule 2.		
A*	751.05	Umbrellas	20% ad val	40% ad val.
		Walking sticks, canes, seat sticks, whips and riding crops:		
A	751.10	Valued under $5 per dozen	12.5% ad val	40% ad val.
A	751.11	Valued $5 or more per dozen	10% ad val	40% ad val.
		Parts of articles provided for in items 751.05, 751.10, and 751.11:		
A	751.15	Handles and sticks, of wood, valued not over $2.50 per dozen.	12% ad val	40% ad val.
		Other:		
A*	751.20	Of metal	30% ad val	60% ad val.
A	751.25	Not of metal	16% ad val	45% ad val.

See footnotes at end of table.

AMENDMENTS

Subpart A, headnote 1, subpar. (i) amended by Pub. L. 89-241, §§ 2(a), 77, Oct. 7, 1965, 79 Stat. 933, 948, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Subpart A, headnote 3, added by Pub. L. 89-241, § 78(b), (c), Oct. 7, 1965, 79 Stat. 948, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1966.

Item 750.26 amended by Proc. No. 4443, May 27, 1976, 41 F.R. 21757, effective as to articles entered, or withdrawn from warehouse, for consumption on and after May 27, 1976.

Item 750.26. Article descriptions preceding item 750.26, items 750.26, 750.27, and 750.28, article descriptions preceding item 750.29, and items 750.29, 750.30, 750.31, 750.32, and 750.33 substituted in lieu of struck items 750.30 and 750.31 by Pub. L. 89-241, § 78(a), (c), Oct. 7, 1965, 79 Stat. 948, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1966.

Item 750.29 amended by Proc. No. 4443, May 27, 1976, 41 F.R. 21757, effective as to articles entered, or withdrawn from warehouse, for consumption on and after May 27, 1976.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 750.05, 750.10, 750.15, 750.20, 750.22, 750.35, 750.40, 750.45, 750.47, 750.50, 750.55, 750.60, 750.65, 750.70, 750.75, 750.80, 751.10, 751.11 and 751.15, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 9—MATCHES AND PYROTECHNICS; CANDLES; BLASTING CAPS; SMOKERS' ARTICLES

[28 F.R. 8999]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart A—Matches, Pyrotechnics, Candles, Blasting Caps		
		Subpart A headnotes:		
		1. The importation of white phosphorus matches is prohibited.		
		Matches:		
A	755.05	In immediate containers each containing not more than 100 matches.	7.5¢ per gross of immediate containers.	20¢ per gross of immediate containers.
A	755.10	Other	1¢ per 1,000 matches	2¾¢ per 1,000 matches.
	755.15	Fireworks	12¢ per lb., including the weight of all coverings, packing material, and wrappings.	12¢ per lb., including the weight of all coverings, packing material, and wrappings.
A	755.20	Flares and other chemical signals	16% ad val	40% ad val.
A	755.25	Candles and tapers	10% ad val	27.5% ad val.
A*	755.30	Alcohol, gas, kerosene, or other mantles, treated with metallic oxides or other chemicals.	13.5% ad val	40% ad val.
	755.35	Ferrocerium and other pyrophoric alloys	50¢ per lb. + 6% ad val	$2 per lb. + 25% ad val.
		Blasting caps:		
A	755.40	Containing not over 1 gram of explosive each	0.14¢ each	0.225¢ each.
A	755.45	Containing over 1 gram of explosive each	0.24¢ each + 0.06¢ each for each 0.5 gram of explosive over 1.5 grams per cap.	0.3¢ each + 0.075¢ each for each 0.5 gram of explosive over 1.5 grams per cap.
A	755.50	Blasting, mining, and similar fuses	42¢ per 1,000 feet	$1 per 1,000 feet.
		Subpart B—Cigar and Cigarette Lighters and Holders; Tobacco Pipes		
		Subpart B headnotes:		
		1. This subpart does not cover cigar and cigarette holders, and parts thereof, provided for in part 6A of this schedule.		
		2. The columns 1 and 2 rates for bamboo pipe stems (item 756.52) are both statutory rates.		
		Cigar and cigarette lighters (including articles in which lighters are incorporated as significant integral parts), and parts thereof:		
		Pocket lighters, combination pocket and table lighters, and articles in which lighters are incorporated as integral parts and which are ordinarily carried in pockets or handbags:		
A	756.02	Of precious metal (except silver), of precious or semiprecious stones, or of such metal and such stones.	15% ad val	80% ad val.
		Other:		
A	756.04	Valued not over $5 per dozen pieces	25% ad val	110% ad val.
A	756.06	Valued over $5 per dozen pieces	22.5% ad val	110% ad val.
A	756.10	Lighters and articles in which lighters are incorporated as integral parts, and which are ordinarily used on the table, not provided for heretofore in this subpart.	12% ad val	60% ad val.
A	756.15	Parts	25% ad val	110% ad val.

See footnotes at end of table.

PART 9—MATCHES AND PYROTECHNICS; CANDLES; BLASTING CAPS; SMOKERS' ARTICLES—Continued

[28 F.R. 8999]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Cigar and Cigarette Lighters and Holders; Tobacco Pipes—Continued		
		Tobacco pipes and pipe bowls:		
		Of brier or other wood or root:		
		Valued not over $5 per dozen:		
A	756.21	Of brier wood or root	2.5¢ each + 40% ad val	5¢ each + 60% ad val.
A	756.23	Other	1.25¢ each + 20% ad val	5¢ each+60% ad val.
A	756.25	Valued over $5 per dozen	1.2¢ each + 10% ad val	5¢ each + 60% ad val.
A*	756.30	Pipes and bowls wholly of clay, and pipes with bowls wholly of clay.	5% ad val	45% ad val.
A	756.35	Other	1¢ each + 12.5% ad val	5¢ each + 60% ad val.
		Cigar and cigarette holders:		
A	756.40	Of metal	17.5% ad val	110% ad val.
A	756.45	Other	1.25¢ each + 7.5% ad val	5¢ each + 60% ad val.
		Mouthpieces and other parts, not specially provided for, for pipes or for cigar or cigarette holders:		
A	756.50	Of metal	17.5% ad val	110% ad val.
	756.52	Bamboo pipe stems	Free	5¢ each + 60% ad val.
A	756.55	Other	0.5¢ each + 7.5% ad val	5¢ each + 60% ad val.
A	756.60	Cases suitable for pipes or for cigar or cigarette holders	5% ad val	60% ad val.

See footnotes at end of table.

AMENDMENTS

Item 755.15, columns 1 and 2, amended by Pub. L. 89-241, §§ 2(a), 79, Oct. 7, 1965, 79 Stat. 933, 949, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 755.05, 755.10, 755.20, 755.25, 755.30, 755.35, 755.40, 755.45, 755.50, 756.02, 756.04, 756.06, 756.10, 756.15, 756.23, 756.25, 756.30, 756.35, 756.40, 756.45, 756.50, 756.55 and 756.60, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 10—PENS, PENCILS, LEADS, CRAYONS, AND CHALKS

[28 F.R. 9001]

GSP	Item	Articles	Rates of Duty	
			1	2
		Part 10 headnotes: 1. The provisions of this part cover pens and pencils designed for writing, marking, and similar uses, and do not cover— (i) drawing pens (see part 2 of this schedule); (ii) eyebrow pencils and other toilet preparations (see part 7 of schedule 4); or (iii) erasers (classifiable according to component material of chief value). 2. For the purposes of items 760.05, 760.10, and 760.12, any refills included within the pens or pencils at the time of importation are classifiable therewith. 3. If pen point holders (item 760.20) are imported with pen points inserted therein, such holders and points are separately classifiable.		
	760.05	Fountain pens, including stylographic pens and ballpoint pens and ballpoint pencils, and combination pens and pencils.	2¢ each + 13.5% ad val	6¢ each + 40% ad val.
		Pencils (except ballpoint pencils) designed to be refilled, whether known as mechanical pencils, clutch pencils, or by any other name:		
A	760.10	With a mechanical action for extending, or for extending and retracting, the lead.	18¢ per gross+16% ad val	45¢ per gross + 40% ad val.
A	760.12	Other	8.5% ad val	45% ad val.
	760.15	Marking pens having a wicklike tip of felt or other material	20% ad val	40% ad val.
A	760.20	Pen point holders	8¢ per gross + 7% ad val	25¢ per gross+ 20% ad val.
		Pen points; and parts of any of the articles described in the foregoing provisions of this part (except parts provided for in items 760.50 through 760.58, inclusive):		
		Pen points:		
A	760.30	Of gold	12.5¢ per gross + 10% ad val.	25¢ per gross + 20% ad val.
A	760.32	Other	5¢ per gross	20¢ per gross.
A	760.34	Balls for ballpoint pens and pencils	$1 per 1,000 + 17.5% ad val.	$2.50 per 1,000 + 40% ad val.
A	760.36	Refill cartridges	2¢ each + 13.5% ad val	6¢ each + 40% ad val.
A	760.38	Mechanical pencil actions	9.5% ad val	45% ad val.
		Other:		
A	760.40	For articles in item 760.05	2¢ each + 13.5% ad val	6¢ each + 40% ad val.
A	760.42	Other	9.5% ad val	45% ad val.

PART 10—PENS, PENCILS, LEADS, CRAYONS, AND CHALKS—Continued

[28 F.R. 9001]

GSP	Item	Articles	Rates of Duty	
			1	2
A	760.45	Pencil clips and pencil point protectors	7.5¢ per gross	25¢ per gross.
A	760.48	Cased pencils, and pencils not specially provided for	25¢ per gross + 7.5% ad val.	50¢ per gross + 30% ad val.
		Chalk crayons, charcoal crayons, leads for cased pencils, refill leads, and other crayons and leads:		
		Not over 0.06 inch in maximum cross-sectional dimension:		
A	760.50	Not over 2 inches in length	2¢ per gross	10¢ per gross.
A	760.52	Over 2 inches in length	4¢ per gross	20¢ per gross.
		Over 0.06 inch, but less than 0.25 inch, in maximum cross-sectional dimension:		
A	760.54	Black	0.5¢ per gross	6¢ per gross.
A	760.56	Other than black	8% ad val	40% ad val.
A	760.58	0.25 inch or more in maximum cross-sectional dimension.	8.5¢ per gross + 5% ad val.	50¢ per gross + 30% ad val.
A*	760.65	Billiard chalk and tailors' chalk	5% ad val	25% ad val.

See footnotes at end of table.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 760.05, 760.10, 760.12, 760.20, 760.30, 760.32, 760.34, 760.36, 760.38, 760.40, 760.42, 760.45, 760.48, 760.50, 760.52, 760.54, 760.56, 760.58 and 760.65, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 11—WORKS OF ART; ANTIQUES

[28 F.R. 9003]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Works of Art		
		Subpart A headnotes: 1. This subpart does not cover— (i) architectural, engineering, industrial, or commercial, drawings and plans (see part 5 of schedule 2); (ii) painted of decorated manufactured articles (such as, but not limited to, vases, cups, plates, screens, trays, cases, and chests); (iii) articles made in any part by stenciling, or by photo-chemical or other mechanical processes; or (iv) any articles of utility or for industrial use. 2. Engravings, etchings, lithographs, woodcuts, and other prints not covered by item 765.10 of this subpart are provided for in part 5 of schedule 2. 3. Sculptures and statuary not covered by item 765.15 are covered in other parts of the schedules on the basis of the component materials of which they are made.		
	765.03	Paintings, pastels, drawings, and sketches, all the foregoing, whether or not originals, executed wholly by hand.	Free	Free.
	765.10	Engravings, etchings, lithographs, woodcuts, and other prints, all the foregoing, unbound, and printed by hand from plates, stones, or blocks etched, drawn, or engraved with hand tools.	Free	Free.
	765.15	Original sculptures and statuary (including the first 10 castings, replicas, or reproductions made from a sculptor's original work or model with or without a change in scale and whether or not the sculptor is alive at the time the castings, replicas, or reproductions are completed), all the foregoing made in any form from any material as the professional productions of sculptors only, whether in round or in relief, and whether cut, carved, or otherwise wrought by hand or cast.	Free	Free.
	765.20	Original mosaics	Free	Free.
	765.25	Original works of the free fine arts not provided for in the foregoing provisions of this part, in any media including, but not limited to, applied paper and other materials, manufactured or otherwise, such as are used on collages.	Free	Free.
	765.30	Works of art which are productions of American artists residing temporarily abroad.	Free	Free.

PART 11—WORKS OF ART; ANTIQUES—Continued

[28 F.R. 9003]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart B—Antiques		
		Subpart B headnotes: 1. For the purposes of item 766.20, the value of repairs shall be— (i) the cost thereof; or (ii) If no charge was made, the value thereof, as set out in the invoice and entry papers; except that, if the appraiser concludes that the amount so set out does not represent a reasonable cost or value, as the case may be, then the value of the repairs shall be determined in accordance with section 402 or 402a of this Act. 2. Except for picture frames, the provisions of items 766.20 and 766.25 do not apply to movable articles of convenience or decoration designed for use in furnishing a house, apartment, place of business or of accommodation, unless such articles are entered at ports designated by the Secretary of the Treasury for such purpose. Antique picture frames may be entered at any port of entry.		
		Ethnographic objects made in traditional aboriginal styles and made at least 50 years prior to their date of entry; and other antiques made prior to 100 years before their date of entry; all the foregoing articles, including such articles which have been repaired or renovated without changing their original form or character:		
A	766.20	If repaired with a substantial amount of additional material within 3 years prior to importation.	A duty upon the value of the repairs at the rate which would apply to the article itself in its repaired condition if not within the purview of this subpart.	A duty upon the value of the repairs at the rate which would apply to the article itself in its repaired condition if not within the purview of this subpart.
	766.25	Other	Free	Free.
	766.30	Any article imported for sale and claimed to be classifiable under item 766.20 or item 766.25, and thereafter determined to be not authentic in respect to the antiquity claimed as a basis for classification thereunder.	A duty of 12.5% ad val. in addition to any other duty imposed on such article under these schedules.	A duty of 25% ad val. in addition to any other duty imposed on such article under these schedules.

AMENDMENTS

Item 765.03 substituted in lieu of struck article description preceding item 765.05 and struck items 765.05 and 765.07 by Pub. L. 89-651, §§ 2, 4(a), Oct. 14, 1966, 80 Stat. 897, 898, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 766.20. Article description preceding item 766.20 amended by Pub. L. 89-651, §§ 2, 4(b), Oct. 14, 1966, 80 Stat. 897, 898, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in the rates of duty for item 766.30, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part for item 766.30 reflect the rates effective on and after Jan. 1, 1972.

PART 12—RUBBER AND PLASTICS PRODUCTS

[28 F.R. 9005]

GSP	Item	Articles	Rates of Duty 1	Rates of Duty 2

Part 12 headnote:

1. For the purpose of the tariff schedules—

(a) the term "rubber" refers to rubber, as defined in part 4B of schedule 4;

(b) the term "plastics" refers to—

(i) synthetic plastics materials as defined in parts 1C and 4A of schedule 4,

(ii) polyurethane,

(iii) natural resins,

(iv) protein substances, such as casein compounds,

(v) regenerated cellulose,

(vi) vulcanized fiber, and

(vii) reinforced or laminated plastics, as defined in subpart A of this part, but does not include rubber; and

(c) the term "rubber or plastics" means rubber, plastics, or combinations of rubber and plastics.

Subpart A—Reinforced or Laminated Plastics: Foam or Sponge Rubber and Plastics

Subpart A headnotes:

1. This subpart does not cover—

(i) compression-modified or densified wood, and articles thereof (see part 1C of schedule 2);

(ii) plywood, building boards and other articles provided for in part 3 of schedule 2; or

(iii) certain products of fibrous glass provided for in part 3A of schedule 5.

2. For the purposes of the tariff schedules, the term "reinforced or laminated plastics" means—

(i) rigid, infusible, insoluble plastics formed by the application of heat and high pressure on two or more superimposed layers of fibrous sheet material which has been impregnated or coated with plastics, or

(ii) rigid plastics comprised of imbedded fibrous reinforcing material (such as paper, fabric, asbestos, and fibrous glass) impregnated, coated or combined with plastics usually by the application of heat or heat and low pressure.

GSP	Item	Articles	Rates of Duty 1	Rates of Duty 2
		Articles not specially provided for wholly or almost wholly of reinforced or laminated plastics:		
		Laminated:		
A	770.05	Plates or sheets	2.5¢ per lb. + 4.5% ad val	15¢ per lb. + 25% ad val.
A	770.07	Other	8¢ per lb. + 7% ad val	50¢ per lb. + 40% ad val.
A	770.10	Other	10¢ per lb. +8.5% ad val	50¢ per lb. +40% ad val.
		Expanded, foamed, or sponge rubber or plastics, and articles not specially provided for wholly or almost wholly of such rubber or plastics:		
A	770.30	Not flexible	8.5% ad val	80% ad val.
		Flexible:		
A	770.40	Of polyurethane	6% ad val	25% ad val.
A	770.45	Of cellulose	19% ad val	60% ad val.
A	770.70	Of natural rubber	6% ad val	25% ad val.
A	770.80	Other	12.5% ad val	50% ad val.

Subpart B—Rubber and Plastics Waste and Scrap; Rubber and Plastics Film, Strips, Sheets, Plates, Slabs, Blocks, Filaments, Rods, Tubing and Other Profile Shapes

Subpart B headnotes:

1. This subpart covers rubber or plastics products (other than waste or scrap) in the following forms;

(a) blocks and slabs in bulk forms;

(b) film, strips, sheets, and plates, all the foregoing (whether or not printed, embossed, polished, or otherwise surface-processed) made or cut into rectangular pieces over 15 inches in width and over 18 inches in length; and

(c) filaments, rods, seamless tubing, and profile shapes, all the foregoing whether or not polished or otherwise surface-processed, or cut into lengths which are over 15 inches.

PART 12—RUBBER AND PLASTICS PRODUCTS—Continued

[28 F.R. 9005]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart B—Rubber and Plastics Waste and Scrap; Rubber and Plastic Film, Strips, Sheets, Plates, Slabs, Blocks, Filaments, Rods, Tubing and Other Profile Shapes—Continued		
		Subpart B headnotes—Continued		
		2. This subpart does not cover—		
		(i) printed matter provided for in part 5 of schedule 2;		
		(ii) manmade fibers, as defined in part 1E of schedule 3;		
		(iii) articles provided for in subpart A of this part;		
		(iv) film, strips, sheets, and plates, which—		
		(A) have been made or cut into nonrectangular shapes of any size, or		
		(B) measure not over 15 inches in width, or		
		(C) measure not over 18 inches in length, or		
		(D) have been ground on the edges, drilled, milled, hemmed, or otherwise processed (except surface-processed); or		
		(v) filaments, rods, seamless tubing, and profile shapes, which have been made or cut into lengths measuring not over 15 inches, or which have been ground on the ends, drilled, milled, or otherwise processed (except surface-processed).		
		The products described in (iv) and (v) are classifiable as articles in subpart C of this part or under descriptions elsewhere in the schedules.		
		3. The provisions in this subpart applicable to waste and scrap of rubber or plastics do not apply to waste and rags of manmade fibers (see schedule 3) or to any waste or scrap which has been cleaned, ground, melted, made into pellets, or otherwise processed.		
		Waste and scrap, of rubber or plastics, fit only for remanufacture:		
A*	771.05	Cellulose acetate	3.7¢ per lb	50¢ per lb.
	771.10	Rubber	Free	Free.
	771.15	Other	Free	10% ad val.
		Film, strips, sheets, plates, slabs, blocks, filaments, rods, seamless tubing, and other profile shapes, all the foregoing wholly or almost wholly of rubber or plastics:		
		Of cellulosic plastics materials:		
A	771.20	Of cellulose acetate	6¢ per lb	50¢ per lb.
A	771.25	Of vulcanized fiber	4% ad val 30% ad val	
		Other:		
		Film strips, and sheets:		
A	771.30	Not over 0.003 inch in thickness	11% ad val	45% ad val.
A	771.31	Over 0.003 inch in thickness	8¢ per lb	45¢ per lb.
A	771.35	Other	10¢ per lb	45¢ per lb.
		Not of cellulosic plastics materials:		
		Film strips, and sheets, all the foregoing which are flexible:		
A	771.40	Made in imitation of patent leather	4% ad val	25% ad val.
A	771.42	Other	6% ad val	25% ad val.
		Other:		
A*	771.45	Of acrylic resin	8.5¢ per lb	50¢ per lb.
A	771.50	Of casein	5¢ per lb	25¢ per lb.
A	771.55	Other	10% ad val	35% ad val.
		Subpart C—Specified Rubber and Plastics Products		
		Subpart C headnote:		
		1. For the purposes of this subpart, cord, fabric, wire, or nonrubber or nonplastic reinforcing or traction-increasing media shall be disregarded in determining the component material of chief value in tires, or in tubes for tires (items 772.45 through 772.60, inclusive).		
		Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients; and household articles not specially provided for; all the foregoing of rubber or plastics:		
A*	772.03	Salt, pepper, mustard, and ketchup dispensers, and similar dispensers.	8.5% ad val	80% ad val.
A	772.06	Plates, cups, saucers, soup bowls, cereal bowls, sugar bowls, creamers, gravy boats, serving dishes, and platters.	10.5¢ per lb.+8% ad val	50¢ per lb.+40% ad val.
A	772.09	Trays	8.5% ad val	40% ad val.
A	772.15	Other	8.5% ad val	80% ad val.
A	772.20	Containers, of rubber or plastics, with or without their closures chiefly used for the packing, transporting, or marketing of merchandise.	7.5% ad val	80% ad val.

See footnotes at end of table.

Part 12—Rubber and Plastics Products—Continued

[28 F.R. 9005]

GSP	Item	Articles	Rates of Duty	
			1	2
		Subpart C—Specified Rubber and Plastic Products—Continued		
A	772.25	Buckets or pails, of rubber or plastics	8.5% ad val	80% ad val.
	772.30	Wearing apparel (including rainwear) not specially provided for, of rubber or plastics.	12.5% ad val	25% ad val.
A*	772.35	Curtains and drapes, including panels and valances; napkins, table covers, mats, scarves, runners, doilies, centerpieces, antimacassars, and furniture slipcovers; and like furnishings; all the foregoing of rubber or plastics.	6% ad val	25% ad val.
A	772.40	Nursing nipples and pacifiers, of rubber or plastics	4% ad val	25% ad val.
A	772.42	Ice bags: douche bags, enema bags, colostomy bags, hot water bottles, and fittings therefor; invalid and similar nursing cushions; crutch tips and grips; dress shields; finger cots; pessaries; prophylactics; sanitary belts; bulbs for syringes; syringes (other than hypodermic syringes) and fittings therefor, not in part of glass or metal; all the foregoing of rubber or plastics.	6% ad val	25% ad val.
		Tires, and tubes for tires, of rubber or plastics:		
		Pneumatic tires:		
A	772.45	Airplane	5% ad val	30% ad val.
	772.48	Bicycle	5% ad val	10% ad val.
	772.50	Designed for tractors provided for in item 692.30 or for agricultural or horticultural machinery or implements provided for in item 666.00.	Free	Free.
A	772.51	Other	4% ad val	10% ad val.
A	772.54	Tires, other than pneumatic tires	5% ad val	25% ad val.
		Tubes:		
	772.57	Bicycle	15% ad val	30% ad val.
	772.59	Designed for tires provided for in item 772.50	Free	Free.
A	772.60	Other	5% ad val	25% ad val.
A	772.65	Hose, pipe, and tubing, all the foregoing not specially provided for of rubber or plastics, suitable for conducting gases or liquids, with or without attached fittings.	4% ad val	25% ad val.
	772.66	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	772.70	Wall coverings (including wall tiles), not specially provided for, of rubber or plastics, with or without applied adhesives.	6% ad val	25% ad val.
A	772.80	Handles and knobs, of rubber or plastics, for furniture, tools, and other articles.	10¢ per lb. + 8.5% ad val	50¢ per lb. +40% ad val.
	772.81	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	772.85	Caps, lids, seals, stoppers, and other closures, all the foregoing of rubber or plastics.	8.5% ad val	80% ad val.
	772.86	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Nativity scenes; Christmas ornaments; crucifixes; miniature altars, shrines, and holywater fonts; religious figurines and statuettes; other religious articles; all the foregoing (not including any article provided for in part 6A of this schedule) of rubber or plastics:		
A	772.95	Christmas tree ornaments	12.5% ad val	60% ad val.
A*	772.97	Other	8.5% ad val	80% ad val.
A	773.05	Toys for pets, of rubber or plastics	8.5% ad val	80% ad val.
A*	773.10	Plaques and figurines, of rubber or plastics	8.5% ad val	80% ad val.
		Brush bristles of rubber or plastics, tapered, over 0.004 but not over 0.020 inch in maximum cross-sectional dimension, and not over 8 inches in length:		
A	773.15	Nylon	1¢ per lb	3¢ per lb.
A*	773.26	Other	12.5¢ per lb.+15% ad val	45¢ per lb.+65% ad val.
A	773.25	Gaskets, of rubber or plastics	5% ad val	25% ad val.
	773.26	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	773.30	Electric insulators, or rubber or plastics	5% ad val	30% ad val.
	773.31	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	773.35	Belting and belts, for machinery, or rubber or plastics and not containing textile fibers.	6% ad val	25% ad val.
		Subpart D—Articles Not Specially Provided for, of Rubber or Plastics		
		Articles not specially provided for, of rubber or plastics:		
A	774.20	Of shellac or copal	15% ad val	30% ad val.
A	774.25	Of natural rubber	6% ad val	35% ad val.
A	774.35	Of casein	8¢ per lb.+10.5% ad val	40¢ per lb.+50% ad val.
A	774.40	Of vulcanized fiber	4% ad val	30% ad val.
A*	774.60	Other	8.5% ad val	80% ad val.
	774.70	Any article described in the foregoing provisions of this subpart, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	

See footnotes at end of table.

AMENDMENTS

Subpart B, headnotes 1(b) and 2(iv)(B) and (C), amended by Pub. L. 89-241, §§ 2(a), 80(1), (2), Oct. 7, 1965, 79 Stat. 933, 949, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 771.40. Article description preceding item 771.40 amended by Pub. L. 89-241, §§ 2(a), 15(e), Oct. 7, 1965, 79 Stat. 933, 936, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 772.42 amended by Pub. L. 89-241, §§ 2(a), 81, Oct. 7, 1965, 79 Stat. 933, 949, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 772.50 added by Pub. L. 89-241, §§ 2(a), 49(e), Oct. 7, 1965, 79 Stat. 933, 944, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 772.59 added by Pub. L. 89-241, §§ 2(a), 49(f), Oct. 7, 1965, 79 Stat. 933, 944, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 772.66 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 772.75 repealed by Pub. L. 89-241, §§ 2(a), 15(f), Oct. 7, 1965, 79 Stat. 933, 936, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 772.81 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 772.86 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 773.26 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 773.31 added by Pub. L. 89-283, title IV §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 773.35 amended by Pub. L. 89-241, §§ 2(a), 19(b), Oct. 7, 1965, 79 Stat. 933, 937, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 774.70 added by Pub. L. 89-283, title IV, §§ 401(a), 405(c), Oct. 21, 1965, 79 Stat. 1021, 1024, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 770.05, 770.07, 770.10, 770.30, 770.40, 770.45, 770.70, 770.80, 771.05, 771.15, 771.20, 771.25, 771.30, 771.31, 771.35, 771.40, 771.42, 771.45, 771.50, 771.55, 772.03, 772.06, 772.09, 772.15, 772.20, 772.25, 772.35, 772.40, 772.42, 772.45, 772.48, 772.51, 772.54, 772.57, 772.60, 772.65, 772.70, 772.80, 772.85, 772.95, 772.97, 773.05, 773.10, 773.15, 773.20, 773.25, 773.30, 773.35, 774.20, 774.25, 774.35, 774.40 and 774.60, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 13—PRODUCTS NOT ELSEWHERE ENUMERATED

[28 F.R. 9011]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Miscellaneous Products		
		Subpart A headnotes: 1. This subpart does not cover— (i) glass inners for vacuum bottles and other vacuum containers (see part 3 of schedule 5); (ii) pressure-sensitive articles impregnated or coated with drugs (see part 13B of schedule 4); or (iii) pressure-sensitive floor coverings and wall coverings. 2. The term "pressure sensitive", as used in items 790.50 and 790.55, refers to articles which have an adhesive coating on one or both surfaces that will adhere to other surfaces upon the application of pressure only.		
A	790.00	Artificial eyes, except prosthetic articles	16% ad val	70% ad val.
A	790.03	Casters	9.5% ad val	45% ad val.
		Clothespins:		
	790.05	Spring type	10¢ per gross	20¢ per gross.
		Other than spring type:		
A	790.07	Of plastics	8.5% ad val	80% ad val.
	790.08	Other	7.5% ad val	35% ad val.
A	790.10	Dog leashes, collars, muzzles, harnesses, and similar dog equipment.	6% ad val	35% ad val.
A	790.15	Fly ribbons (ribbon fly catchers)	7% ad val	35% ad val.
	790.20	Fossils	Free	Free.
A	790.23	Hair felt, and articles thereof, not specially provided for	4% ad val	35% ad val.
A	790.25	Hand fans	17% ad val	50% ad val.
A	790.30	Harness, saddles, and saddlery, and parts thereof	6% ad val	15% ad val.
		Incense (including joss sticks):		
	790.35	Joss sticks	Free	Free.
A	790.37	Other	6% ad val	20% ad val.
A*	790.39	Pneumatic mattresses and other inflatable articles not specially provided for.	6% ad val	25% ad val.
A	790.40	Planting pots in part of peat moss	4% ad val	20% ad val.
		Sausage casings not specially provided for, whether or not cut to length:		
A	790.45	Of cellulosic plastics materials	12.5% ad val	60% ad val.
A	790.47	Other	6% ad val	40% ad val.
A	790.50	Sheets, strips, tapes, monograms, and other flat shapes or forms, all the foregoing, whether or not pressure sensitive, with or without protective liners, and whether or not in rolls, having a light-reflecting surface produced in whole or in part by glass grains (ballotini).	12.5% ad val	50% ad val.

See footnotes at end of table.

PART 13—PRODUCTS NOT ELSEWHERE ENUMERATED—Continued

[28 F.R. 9011]

GSP	Item	Articles	Rates of duty	
			1	2
		Subpart A—Miscellaneous Products—Continued		
A	790.55	Sheets, strips, tapes, stencils, monograms, and other flat shapes or forms, all the foregoing articles (except articles provided for in item 790.50) which are pressure sensitive, with or without protective liners, and whether or not in rolls.	10% ad val	40% ad val.
		Vacuum bottles and other vacuum containers and parts thereof:		
		Containers:		
A	790.59	Having a capacity of not over 1 pint	4¢ each+20% ad val	15¢ each+45% ad val.
A*	790.60	Having a capacity of over 1 but not over 2 pints	7.5¢ each+20% ad val	30¢ each+45% ad val.
A	790.61	Having a capcity of over 2 but not over 4 pints	10¢ each+20% ad val	37.5¢ each+45% ad val.
A	790.62	Having a capacity of over 4 pints	16¢ each+20% ad val	45¢ each+45% ad val.
A	790.63	Parts	22.5% ad val	55% ad val.
A*	790.70	Wigs, toupees, chignons, and similar articles	7% ad val	35% ad val.
		Subpart B—Articles of Fur and of Leather		
		Subpart B headnote:		
		1. For the purposes of the tariff schedules (except part 5A of schedule 1)—		
		(a) the term "leather" includes "leather", as defined in headnote 1(a), part 5A, schedule 1, and also includes rawhide, parchment, and vellum.		
		Wearing apparel not specially provided for, of fur on the skin:		
A	791.05	Of silver, black, or platinum fox	18.5% ad val	50% ad val.
A	791.10	Of dog, goat, or kid	8.5% ad val	35% ad val.
A	791.15	Other	10% ad val	50% ad val.
		Articles not specially provided for, of fur on the skin:		
A*	791.17	Of silver, black, or platinum fox	18.5% ad val	50% ad val.
A	791.19	Other	8.5% ad val	50% ad val.
		Leather cut or wholly or partly manufactured into forms or shapes suitable for conversion into footwear:		
A*	791.20	Patent leather	3.5% ad val	15% ad val.
A*	791.25	Other	5% ad val	15% ad val.
A	791.30	Belting leather cut or wholly or partly manufactured into forms or shapes suitable for conversion into belting.	5% ad val	12.5% ad val.
A	791.35	Leather welting	5% ad val	12.5% ad val.
A	791.45	Book bindings, wholly or in part of leather	3% ad val	30% ad val.
A	791.48	Book covers, wholly or in part of leather	6% ad val	30% ad val.
A	791.50	Leather shoelaces	3.5% ad val	15% ad val.
A	791.54	Leather straps and strops	7% ad val	35% ad val.
A	791.57	Leatherboard comprised primarily of leather fibers bonded together with rubber or plastics materials.	3.5% ad val	10% ad val.
A	791.60	Leather apparel belts, with or without buckles (except buckles classifiable in part 6A of this schedule).	8.5% ad val	35% ad val.
A	791.65	Bags, baskets, boxes, and cases, all the foregoing, not specially provided for, of leather.	10% ad val	35% ad val.
		Wearing apparel not specially provided for, of leather:		
A	791.70	Of reptile leather	7% ad val	35% ad val.
		Other:		
	791.74	In part of textile materials the aggregate weight of which exceeds the weight of any individual non-textile material contained therein.	6% ad val	35% ad val.
A*	791.76	Other	6% ad val	35% ad val.
		Articles not specially provided for, of leather:		
A*	791.80	Of reptile leather	14% ad val	35% ad val.
	791.81	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
A	791.90	Other	4% ad val	35% ad val.
	791.91	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).	Free	
		Subpart C—Articles of Gelatine, Glue, Gut, Wax, Bone, Horn, Hoof, Whalebone, Quill, Shell, Ivory, or Sponge		
		Articles not specially provided for:		
A	792.10	Of gelatine, glue, or combinations thereof	6% ad val	25% ad val.
		Of gut:		
	792.20	Goldbeaters' molds and goldbeaters' skins	Free	Free.
A*	792.22	Other	17% ad val	40% ad val.
		Of wax:		
A	792.30	Of beeswax (except skiwax)	10%	20% ad val.
A	792.32	Other	3% ad val	20% ad val.
A	792.40	Of bone, horn, hoof, whalebone, quill, or of any combination thereof.	5% ad val	25% ad val.
A*	792.50	Of shell	8.5% ad val	35% ad val.
A*	792.60	Of ivory	6% ad val	35% ad val.
A	792.70	Of natural sponge	6% ad val	25% ad val.
A*	792.75	Of hair	7% ad val	35% ad val.
		Subpart D—Waste and Scrap		
	793.00	Waste and scrap not specially provided for	Free	10% ad val.

See footnotes at end of table.

AMENDMENTS

Item 790.15 added by Pub. L. 89-241, §§ 2(a), 82 Oct. 7, 1965, 79 Stat. 933, 949, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 790.39 added by Pub. L. 89-241, §§ 2(a), 15(f), Oct. 7, 1965, 79 Stat. 933, 936, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 790.45. Article description preceding item 790.45 and items 790.45 and 790.47 substituted in lieu of struck item 790.45 by Pub. L. 89-241, §§ 2(a), 83, Oct. 7, 1965, 79 Stat. 933, 949, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 791.74 and 791.76 added, and item 791.75 deleted, by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A.

Item 791.81 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 791.91 added by Pub. L. 89-283, title IV, §§ 401(a), 405(d), Oct. 21, 1965, 79 Stat. 1021, 1025, to enter into force when proclaimed by the President pursuant to section 2011(a) of this title.

Item 792.75 added by Pub. L. 89-241, §§ 2(a), 84, Oct. 7, 1965, 79 Stat. 933, 949, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for items 790.00, 790.03, 790.05, 790.07, 790.08, 790.10, 790.15, 790.23, 790.30, 790.37, 790.39, 790.40, 790.45, 790.47, 790.50, 790.55, 790.59, 790.60 to 790.63, 790.70, 791.05, 791.10, 791.15, 791.17, 791.19, 791.20, 791.25, 791.30, 791.35, 791.45, 791.48, 791.50, 791.54, 791.57, 791.60, 791.65, 791.70, 791.75, 791.90, 792.10, 792.30, 792.32, 792.40, 792.50, 792.60, 792.70, 792.75 and 793.00, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rates of duty set forth in this Part reflect the rates effective on and after Jan. 1, 1972.

PART 14—NONENUMERATED PRODUCTS

[28 F.R. 9015]

GSP	Item	Articles	Rates of duty	
			1	2
		Any article, not provided for elsewhere in these schedules: Which is similar in the use to which it may be applied to any article or articles enumerated in any of the foregoing provisions of these schedules as chargeable with duty:		
	798.00	Most resembling as to use a particular enumerated article chargeable with duty.	The same rate of duty as the particular enumerated article which it most resembles as to use.	The same rate of duty as the particular enumerated article which it most resembles as to use.
	798.50	Not most resembling as to use a particular enumerated article chargeable with duty, but equally resembling as to use two or more enumerated articles chargeable with duty.	The rate of duty applicable to that one of such two or more articles which it most resembles in respect to the materials of which it is composed.	The rate of duty applicable to that one of such two or more articles which it most resembles in respect to the materials of which it is composed.
A	799.00	Other	5% ad val	20% ad val.

For explanation of the symbol "A" or "A" in the column marked "GSP", see general headnote 3(c).

For explanation of the asterisk "" in the Rates of Duty columns, see general headnote 3(g).

(s)=Suspended. See general headnote 3(b).

[1] The rate of duty on clinical thermometers has been increased to 85 percent ad valorem pursuant to an escape-clause proclamation. See Appendix to Tariff Schedules.

[2] The column 1 rates of duty on most watch movements have been increased pursuant to escape-clause procedure, or by temporary legislation. See Appendix to Tariff Schedules.

[3] The rate of duty on safety pins has been increased by an escape-clause proclamation. See Appendix to Tariff Schedules.

[4] See headnote 3(b).

STAGED RATE MODIFICATIONS

Proc. No. 3822, Dec. 16, 1967, 32 F.R. 19002, prescribed modifications in rates of duty for item 799.00, effective with respect to articles entered on and after Jan. 1, 1968, Jan. 1, 1969, Jan. 1, 1970, Jan. 1, 1971, and Jan. 1, 1972. The rate of duty for item 799.00 set forth in this Part reflects the rate effective on and after Jan. 1, 1972.

SCHEDULE 8—SPECIAL CLASSIFICATION PROVISIONS [28 F.R. 9017]

- Part 1—Articles Exported and Returned.
  - A. Articles not Advanced or Improved Abroad.
  - B. Articles Advanced or Improved Abroad.
  - C. Substantial Containers or Holders.
- Part 2—Personal Exemptions.
  - A. Residents and Nonresidents.
  - B. United States Personnel and Evacuees.
  - C. Personnel of Foreign Governments and International Organizations; Distinguished Visitors.
  - D. Other Personal Exemptions.
- Part 3—Governmental Importations.
  - A. United States Government.
  - B. Foreign Governments and International Organizations.
- Part 4—Importations of Religious, Educational, Scientific, and Other Institutions.
- Part 5—Samples; Articles Admitted Free of Duty Under Bond.
  - A. Samples for Soliciting Orders.
  - B. Articles for Permanent Exhibition Under Bond.
  - C. Articles Admitted Temporarily Free of Duty Under Bond.
  - D. Tea Admitted Free of Duty Under Bond.
- Part 6—Other Special Classification Provisions.

SCHEDULE 8 HEADNOTE

1. The provisions of this schedule are not subject to the rule of relative specificity in headnote 10(c) of the General Headnotes and Rules of Interpretation, and, except as provided in headnote 3 to part 1 of this schedule, any article which is described in any provision in this schedule is classifiable in said provision if the conditions and requirements thereof and of any applicable regulations are met.

PART 1—ARTICLES EXPORTED AND RETURNED

[28 F.R. 9019]

Item	Articles	Rates of duty	
		1	2
	Part 1 headnotes:		
	1. In the absence of a specific provision to the contrary, the tariff status of an article is not affected by the fact it was previously imported into the customs territory of the United States and cleared through customs whether or not duty was paid upon such previous importation.		
	2. Any product of the United States which is returned after having been advanced in value or improved in condition abroad by any process of manufacture or other means, or any imported article which has been assembled abroad in whole or in part of products of the United States, shall be treated for the purposes of this Act as a foreign article, and, if subject to a duty which is wholly or partly ad valorem, shall be dutiable, except as otherwise prescribed in this part, on its full value determined in accordance with section 402 or 402a of this Act. If such product or such article is dutiable at a rate dependent upon its value, the value for the purpose of determining the rate shall be its full value under the said section 402 or 402a.		
	3. This part does not apply to animals provided for in item 100.04 of part 1 of schedule 1.		
	Subpart A—Articles not Advanced or Improved Abroad		
	Subpart A headnotes:		
	1. The items in this subpart (except item 804.10, 804.20) shall not apply to any article—		
	(a) exported with benefit of drawback;		
	(b) of a kind with respect to the importation of which an internal-revenue tax is imposed at the time such article is entered, unless such article was subject to an internal-revenue tax imposed upon production or importation at the time of its exportation from the United States and it shall be proved that such tax was paid before exportation and was not refunded; or		
	(c) manufactured or produced in the United States in a customs bonded warehouse or under item 864.05 and exported under any provision of law.		
	2. For the purposes of items 804.10, 804.20—		
	(a) when because of the destruction of customs records or for other cause it is impracticable to establish whether drawback was allowed, or the amount allowed, on a returned article, there shall be assessed thereon an amount of duty equal to the estimated drawback and internal-revenue tax which would be allowable or refundable if the imported merchandise used in the manufacture or production of the returned article were dutiable or taxable at the rate applicable to such merchandise on the date of entry, but in no case more than the duty and tax that would apply if the article where wholly of foreign origin;		
	(b) tobacco products and cigarette papers and tubes classifiable under such item may be released from customs custody, without payment of that part of the duty attributable to the internal-revenue tax, for return to internal-revenue bond as provided by section 5704(e) of the Internal Revenue Code of 1954; and		
	(c) in order to facilitate the ascertainment and collection of the duty provided for, the Secretary of the Treasury is authorized to ascertain and specify the amounts of duty equal to drawback or internal-revenue tax which shall be applied to articles or classes or kinds of articles, and to exempt from the assessment of duty articles or classes or kinds of articles with respect to which the collection of such duty involves expense and inconvenience to the Government which is disproportionate to the probable amount of such duty.		

PART 1—ARTICLES EXPORTED AND RETURNED—Continued

[28 F.R. 9019]

Item	Articles	Rates of duty	
		1	2
	Subpart A—Articles not Advanced or Improved Abroad—Continued		
800.00	Products of the United States when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means while abroad.	Free	Free.
801.00	Articles, previously imported, with respect to which the duty was paid upon such previous importation, if (1) reimported, without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, after having been exported under lease to a foreign manufacturer, and (2) reimported by or for the account of the person who imported it into, and exported it from, the United States.	Free	Free.
801.10	Articles, previously imported, with respect to which the duty was paid upon such previous importation if (1) exported within three years after the date of such previous importation, (2) reimported without having been advanced in value or imported in condition by any process of manufacture or other means while abroad, (3) reimported for the reason that such articles do not conform to sample or specifications, and (4) reimported by or for the account of the person who imported them into, and exported them from, the United States.	Free	Free.
	Articles, when returned after having been exported for use temporarily abroad solely for any of the following purposes, if imported by or for the account of the person who exported them:		
802.10	Exhibition, examination, or experimentation, for scientific or educational purposes.	Free	Free.
802.20	Exhibition in connection with any circus or menagerie	Free	Free.
802.30	Exhibition or use at any public exposition, fair, or conference.	Free	Free.
802.40	In the case of horses, use for racing	Free	The column 2 rate applicable in the absence of this item.
	Articles previously exported from the United States which—except for headnote 1 of this subpart—would qualify for free entry under one of the foregoing items and are not otherwise free of duty:		
804.10	Aircraft exported from the United States with benefit of drawback or item 864.05.	A duty equal to the duty upon the importation of like articles not previously exported, but in no case in excess of the sum (a) any customs drawback proved to have been allowed upon such exportation, and (b) the duty which would have been payable on any articles used in the manufacture or production of such aircraft had they not been entered and exported under item 864.05.	A duty equal to the duty upon the importation of like articles not previously exported, but in no case in excess of the sum of (a) any customs drawback proved to have been allowed upon such exportation, and (b) the duty which would have been payable on any articles used in the manufacture or production of such aircraft had they not been entered and exported under item 864.05.
804.20	Other, except articles excluded by headnote 1(c) of this subpart.	A duty (in lieu of any other duty or tax) equal to the sum of any duty and internal-revenue tax imposed upon the importation of like articles not previously exported, but in no case in excess of the sum of (a) any customs drawback proved to have been allowed upon such exportation of the article, and (b) any internal-revenue tax imposed, at the time such article is entered, upon the importation of like articles not previously exported.	A duty (in lieu of any other duty or tax) equal to the sum of any duty and internal-revenue tax imposed upon the importation of like articles not previously exported, but in no case in excess of the sum of (a) any customs drawback proved to have been allowed upon such exportation of the article, and (b) any internal-revenue tax imposed, at the time such article is entered, upon the importation of like articles not previously exported.

Part 1—Articles Exported and Returned—Continued

[28 F.R. 9019]

Item	Articles	Rates of duty	
		1	2

Subpart B—Articles Advanced or Improved Abroad

Subpart B headnotes:

1. This subpart shall not apply to any article exported—

(a) from continuous customs custody with remission, abatement, or refund of duty;

(b) with benefit of drawback;

(c) to comply with any law of the United States or regulation of any Federal agency requiring exportation; or

(d) after manufacture or production in the United States under item 864.05 of this schedule.

2. *Articles repaired, altered, processed, or otherwise changed in condition abroad.*—The following provisions apply only to items 806.20 and 806.30:

(a) The value of repairs, alterations, processing, or other change in condition outside the United States shall be—

(i) the cost to the importer of such change; or

(ii) if no charge is made, the value of such change,

as set out in the invoice and entry papers; except that, if the appraiser concludes that the amount so set out does not represent a reasonable cost or value, then the value of the change shall be determined in accordance with section 402 or 402a of this Act.

(b) No appraisement of the imported article in its changed condition shall be required unless necessary to a determination of the rate or rates of duty applicable to such article.

(c) The duty upon the value of the change in condition shall be at the rate which would apply to the article itself, as an entirety without constructive separation of its components, in its condition as imported if it were not within the purview of this subpart. If the article, as returned to the United States, is subject to a specific or compound rate of duty, such rate shall be converted to the ad valorem rate which when applied to the full value of such article determined in accordance with section 402 or 402a of this Act would provide the same amount of duties as the specific or compound rate. In order to compute the duties due, the ad valorem rate so obtained shall be applied to the value of the change in condition made outside the United States.

3. *Articles assembled abroad with components produced in the United States.*—The following provisions apply only to item 807.00:

(a) The value of the products of the United States assembled into the imported article shall be—

(i) the cost of such products at the time of the last purchase; or

(ii) if no charge is made, the value of such products at the time of the shipment for exportation,

as set out in the invoice and entry papers; except that, if the appraiser concludes that the amount so set out does not represent a reasonable cost or value, then the value of such products shall be determined in accordance with section 402 or 402a of this Act.

(b) The duty on the imported article shall be at the rate which would apply to the imported article itself, as an entirety without constructive separation of its components, in its condition as imported if it were not within the purview of this subpart. If the imported article is subject to a specific or compound rate of duty, the total duties shall be reduced in such proportion as the cost or value of such products of the United States bears to the full value of the imported article.

4. No imported article shall be accorded partial exemption from duty under more than one item in this subpart.

PART 1—ARTICLES EXPORTED AND RETURNED—Continued

[28 F.R. 9019]

Item	Articles	Rates of duty	
		1	2
	Subpart B—Articles Advanced or Improved Abroad—Continued		
805.00	Photographic films and dry plates manufactured in the United States (except motion-picture films to be used for commercial purposes) and exposed abroad, whether developed or not.	Free	Free.
	Articles returned to the United States after having been exported to be advanced in value or improved in condition by any process of manufacture or other means:		
806.20	Articles exported for repairs or alterations	A duty upon the value of the repairs or alterations (see head-note 2 of this subpart).	A duty upon the value of the repairs or alterations (see head-note 2 of this subpart).
806.30	Any article of metal (except precious metal) manufactured in the United States or subjected to a process of manufacture in the United States, if exported for further processing, and if the exported article as processed outside the United States, or the article which results from the processing outside the United States, is returned to the United States for further processing.	A duty upon the value of such processing outside the United States (see headnote 2 of this subpart).	A duty upon the value of such processing outside the United States (see headnote 2 of this subpart).
807.00	Articles assembled abroad in whole or in part of fabricated components, the product of the United States, which (a) were exported in condition ready for assembly without further fabrication, (b) have not lost their physical identity in such articles by change in form, shape, or otherwise, and (c) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process such as cleaning, lubricating, and painting.	A duty upon the full value of the imported article, less the cost or value of such products of the United States (see headnote 3 of this subpart).	A duty upon the full value of the imported article, less the cost or value of such products of the United States (see headnote 3 of this subpart).
	Subpart C—Substantial Containers or Holders		
	Subpart C headnotes: 1. This subpart covers only substantial containers and holders which are of the usual or ordinary types used in the shipment or transportation of goods and which are reusable for such purposes and subject to treatment as imported articles (see general headnote 6(a) and (b)(ii), and also covers certain repair components. 2. This subpart does not apply to any container or holder— (a) exported with benefit of drawback and returned empty; or (b) manufactured or produced in the United States in a customs bonded warehouse or under item 864.05 of this schedule and exported under any provision of law. 3. In order to facilitate the prompt clearance at ports of entry of substantial containers and holders provided for in this subpart, the Secretary of the Treasury is authorized— (a) to permit the admission thereof without entry if readily identifiable as meeting the conditions of free entry set forth in this subpart; and (b) to permit any duties thereon to be paid cumulatively from time to time either before or after their importation when conditions exist which permit adequate customs control to be maintained.		
808.00	Substantial containers and holders, if products of the United States (including shooks and staves of United States production when returned as boxes or barrels containing merchandise), or if of foreign production and previously imported and duty (if any) thereon paid, or if of a class specified by the Secretary of the Treasury as instruments of international traffic, and repair components for a particular container of foreign production which is an instrument of international traffic.	Free	Free.

AMENDMENTS

Subpart A, headnotes 1 and 2 amended by Pub. L. 91-692, § 1(b), Jan. 12, 1971, 84 Stat. 2076, applicable to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 12, 1971.

Subpart A, headnote 2, amended by Pub. L. 88-342, §§ 1(a), 2, June 30, 1964, 78 Stat. 234, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1964.

Subpart B, headnote 2, amended by Pub. L. 89-651, §§ 2, 8(b)(1), Oct. 14, 1966, 80 Stat. 897, 901, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 801.10. Pub. L. 91-615, §§ 1, 2, Dec. 31, 1970, 84 Stat. 1847, added item 801.10 to be applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after Dec. 31, 1970, and which had not previously been so entered or withdrawn before Dec. 31, 1970.

Item 802.40. Pub. L. 91-570, Dec. 23, 1970, 84 Stat. 1503, added item 802.40.

Item 804.00 deleted by Pub. L. 91-692, § 1(a), Jan. 12, 1971, 84 Stat. 2075.

Items 804.10 and 804.20 added by Pub. L. 91-692, § 1(a), Jan. 12, 1971, 84 Stat. 2075, applicable to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 12, 1971.

Items 806.10 struck out by Pub. L. 89-651, §§ 2, 8(b)(2), Oct. 14, 1966, 80 Stat. 897, 901, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 807.00 amended by Pub. L. 89-806, § 1, Nov. 10, 1966, 80 Stat. 1523, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Nov. 10, 1966.

Item 807.00 amended by Pub. L. 89-241, §§ 2(a), 85, Oct. 7, 1965, 79 Stat. 933, 949, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Subpart C, headnote 1, amended by Pub. L. 90-635, §§ 3(b), 4, Oct. 24, 1968, 82 Stat. 1351, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on and after a date which shall be proclaimed by the President, which date shall be consonant with the entering into force for the United States of the customs convention which subpart C, headnote 1, as amended, implements.

Item 808.00 amended by Pub. L. 90-635, §§ 3(a), 4, Oct. 24, 1968, 82 Stat. 1351, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on and after a date which shall be proclaimed by the President, which date shall be consonant with the entering into force for the United States of the customs convention which item 808.00, as amended, implements.

CERTAIN AIRCRAFT COMPONENTS AND MATERIALS; DUTY EXEMPTION

Pub. L. 94-511, Oct. 15, 1976, 90 Stat. 2440, provided:

"That in the case of any aircraft which—

"(1) was previously exported from the United States,

"(2) was composed, at the time of such exportation in part of components and materials which are products of the United States and which were installed—

"(A) while such aircraft was within the United States, and

"(B) after such aircraft was operational,

"(3) is returned to the United States after being so exported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, and

"(4) was entered for consumption before 1970 pursuant to an entry which is unliquidated as of the date of the enactment of this Act [Oct. 15, 1976],

the rate of duty provided for in item 694.40 of the Tariff Schedules of the United States (19 U.S.C. 1202) on the date of such entry shall, notwithstanding any other provision of law, be assessed upon the full value of such aircraft less the value of such components and materials. For the purposes of this Act, the value of any such component or material is the cost of such component or material at the time of installation in the aircraft plus the cost of such installation.

"SEC. 2. No entry may be liquidated as provided for in the first section of this Act unless request therefor is filed with the customs officer concerned on or before the thirtieth day after the date of the enactment of this Act [Oct. 15, 1976]."

ENTRIES OR WITHDRAWALS OF ARTICLES ADVANCED OR IMPROVED ABROAD

Pub. L. 89-806, § 1(b), Nov. 10, 1966, 80 Stat. 1522, provided for the liquidation or reliquidation of articles advanced or improved abroad which entered or were withdrawn from warehouse after Aug. 30, 1963, and before Nov. 10, 1966.

PART 2—PERSONAL EXEMPTIONS

[28 F.R. 9025]

Item	Articles	Rates of duty	
		1	2
	Part 2 headnote: 1. Any article exempted under this part from the payment of duty shall be exempt also from the payment of any internal-revenue tax imposed upon or by reason of importation. Subpart A—Residents and Nonresidents *Subpart A headnotes:* 1. If— (a) any jewelry or similar articles of personal adornment having an aggregate value of $300 or more which have been exempted from duty under item 812.10 is sold within 3 years after the date of importation, or (b) any article which has been exempted from duty under item 812.30 is sold within 1 year after the date of importation, or (c) any automobile exempted from duty under item 813.25 is used otherwise than for the purpose therein expressed or is not returned abroad within the time and manner prescribed by the Secretary of the Treasury, without prior payment to the United States of the duty which would have been payable at the time of entry if the article had been entered without the benefit of any of these items, such article, or its value (to be recovered from the importer), shall be subject to forfeiture. An article sold pursuant to a judicial order or in liquidation of the estate of a decedent shall not be subject to the provisions of this note. 2. In the case of persons arriving from a contiguous country which maintains a free zone or free port, if the Secretary of the Treasury deems it necessary in the public interest and to facilitate enforcement of the requirement that the exemption in item 813.31 shall		

PART 2—PERSONAL EXEMPTIONS—Continued

[28 F.R. 9025]

Item	Articles	Rates of duty	
		1	2
	Subpart A—Residents and Nonresidents—Continued		
	Subpart A headnotes—Continued		
	apply only to articles acquired as an incident of the foreign journey, he shall prescribe by regulation or instruction, the application of which may be restricted to one or more ports of entry, that such exemption shall be allowed only to residents who have remained beyond the territorial limits of the United States for not less than a specified period, not to exceed 24 hours, and, after the expiration of 90 days after the date of such regulation or instruction, allowance of the said exemption shall be subject to the limitations so prescribed.		
	3. A person arriving in the United States— (a) on duty as an employee of a vessel, vehicle, or aircraft, engaged in international traffic, or (b) from a trip during which he was so employed shall not be entitled to the exemptions provided for in this subpart (other than those in item 814.00), unless he is permanently leaving such employment without the intention of resuming it on the same or another carrier.		
	Articles imported by or for the account of any person arriving in the United States from a foreign country:		
810.10	Books, libraries, usual and reasonable furniture, and similar household effects, if actually used abroad by him and his family not less than one year, and not intended for any other person, or for sale.	Free	Free.
810.20	Professional books, implements, instruments, and tools of trade, occupation, or employment, which have been taken abroad by him or for his account.	Free	Free.
	Articles by or for the account of any person emigrating from a foreign country to the United States:		
811.10	Professional books, implements, instruments, and tools of trade, occupation, or employment (not including theatrical scenery, properties, or apparel, and not including articles for use in any manufacturing establishment, for any other person, or for sale), owned and used by him abroad.	Free	Free.
	Articles imported by or for the account of any person arriving in the United States who is not a returning resident thereof:		
812.10	Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects; all the foregoing, if actually owned by and in the possession of such person abroad at the time of or prior to his departure for the United States, and if appropriate for his own personal use and intended only for such use and not for any other person nor for sale.	Free	Free.
812.20	Not over 50 cigars, or 300 cigarettes, or 3 pounds of smoking tobacco, or a proportionate amount of each, and not over 1 quart of alcoholic beverages, when brought in by an adult nonresident for his own consumption.	Free	Free.
812.25	Not exceeding $100 in value of articles (including not more than 1 wine gallon of alcoholic beverages and not more than 100 cigars) accompanying such person to be disposed of by him as bona fide gifts, if such person has not claimed an exemption under this item 812.25 within the 6 months immediately preceding his arrival and he intends to remain in the United States for not less than 72 hours.	Free	Free.
812.30	Automobiles, trailers, aircraft, motorcycles, bicycles, baby carriages, boats, horse-drawn conveyances, horses, and similar means of transportation, and the usual equipment accompanying the foregoing; any of the foregoing imported in connection with the arrival of such person and to be used in the United States only for the transportation of such person, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the conveyance.	Free	Free.
812.40	Not exceeding $200 in value of articles accompanying such a person who is in transit to a place outside United States customs territory and who will take the articles with him to such place.	Free	Free.
	Articles imported by or for the account of any person arriving in the United States who is a returning resident thereof:		
813.10	All personal and household effects taken abroad by him or for his account.	Free	Free.
813.15	Articles of metal (including medals, trophies, and prizes), bestowed upon him abroad, as honorary distinctions, by foreign countries or citizens of foreign countries.	Free	Free.

PART 2—PERSONAL EXEMPTIONS—Continued

[28 F.R. 9025]

Item	Articles	Rates of duty	
		1	2
	Subpart A—Residents and Nonresidents—Continued		
	Articles imported by or for, etc.—Continued		
813.20	Game animals (including birds and fish) killed abroad by him and imported by him for noncommercial purposes.	Free	Free.
813.25	Automobiles rented by any residents of the United States while abroad and imported for the transportation of such resident, his family, and guests, and such incidental carriage of articles as may be appropriate to his personal use of the automobile.	Free, for such temporary periods as the Secretary of the Treasury by regulation may prescribe.	Free, for such temporary periods as the Secretary of the Treasury by regulation may prescribe.
813.30	Other articles accompanying such person, including (but only in the case of an individual who has attained the age of 21) not more than 1 quart of alcoholic beverages (or 1 wine gallon of such beverages if such individual arrives directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States, not more than 1 quart of which shall have been acquired elsewhere than in such insular possessions) and including not more than 100 cigars, acquired abroad as an incident of the journey from which he is returning, for his personal or household use, but not imported for the account of any other person nor intended for sale, if declared in accordance with regulations of the Secretary of the Treasury.		
813.31	Articles not over $100 (or $200 in the case of persons arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States, not more than $100 of which shall have been acquired elsewhere than in such insular possessions) in aggregate fair retail value in the country of acquisition, if such person arrives from the Virgin Islands of the United States or from a contiguous country which maintains a free zone or free port, or arrives from any other country after having remained beyond the territorial limits of the United States for a period of not less than 48 hours, and in either case has not claimed an exemption under this item (813.31) or under item 915.30 within the 30 days immediately preceding his arrival.	Free	Free.
813.40	Any article imported to replace a like article of comparable value previously exempted from duty under item 813.31, if the article previously exempted shall have been exported, under such supervision as the Secretary may prescribe, within 6) days after its importation because it was found by the importer to be unsatisfactory.	Free	Free.
814.00	Articles (including not over 50 cigars, or 300 cigarettes, or 3 pounds of smoking tobacco, or a proportionate amount of each, and not over 1 quart of alcoholic beverages), reasonable and appropriate, and intended exclusively, for the bona fide personal use of, and (except for articles consumed in use) to be taken out of the United States by, any person arriving in the United States who is leaving a vessel, vehicle, or aircraft, engaged in international traffic, on which he is employed, with the intention of resuming such employment.	Free	Free.
815.00	Personal and household effects, not stock in trade, the title to which at the time of importation is in the estate of a citizen of the United States who died abroad.	Free	Free.
	Subpart B—United States Personnel and Evacuees		
817.00	The personal and household effects (with such limitation on the importation of alcoholic beverages and tobacco products as the Secretary of the Treasury may prescribe) of any person in the service of the United States who returns to the United States upon the termination of assignment to extended duty (as defined in regulations issued in connection with this provision) at a post or station outside the customs territory of the United States, or of returning members of his family who have resided with him at such post or station, or of any person evacuated to the United States under Government orders or instructions.	Free	Free.

PART 2—PERSONAL EXEMPTIONS—Continued

[28 F.R. 9025]

Item	Articles	Rates of duty	
		1	2
	Subpart C—Personnel of Foreign Governments and International Organizations; Distinguished Visitors		
	Subpart C headnotes:		
	1. The term "baggage and effects", as used in this subpart, includes all articles which were in the possession abroad, and are being imported in connection with the arrival, of a person and which are intended for his bona fide personal or household use, but does not include articles imported as an accommodation to others or for sale or other commercial use.		
	2. The privileges of item 821.00 are limited to such personal effects and equipment as are necessary for the occasion and temporary visit, and are to be exported no later than 30 days after the conclusion of the public demonstration.		
	3. The term "articles entered for the personal or family use", as used in this subpart, does not include articles imported as an accommodation to others or for sale or other commercial use.		
	4. The privileges provided for in this subpart for representatives, officers, employees, and members of the armed forces, of foreign governments, their families, suites, and servants, shall be accorded only if their government grants reciprocal privileges to United States personnel of comparable status.		
	Baggage and effects of the following persons who are aliens:		
820.10	Upon the request of the Department of State, ambassadors, ministers, chargé d'affaires, secretaries, counselors, attachés, and other representatives, officers and employees of foreign governments, accredited to the United States or en route to or from other countries to which accredited, and their immediate families, suites, and servants.	Free	Free.
820.20	Upon the request of the Department of State, diplomatic couriers of foreign governments.	Free	Free.
820.30	Upon the request of the Department of State, representatives of foreign governments in or to, and officers and employees of, organizations designated by the President of the United States as public international organizations pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288), and their immediate families, suites, and servants.	Free	Free.
820.40	Persons on duty in the United States as members of the armed forces of any foreign country, and their immediate families.	Free	Free.
820.50	Upon the request of the Department of State, persons designated by the Department of State as high officials of foreign governments or distinguished foreign visitors, and their immediate families.	Free	Free.
820.60	Upon the request of the Department of State, persons designated pursuant to statute or pursuant to treaties ratified by the United States Senate.	Free	Free.
821.00	Upon the request of the Department of State, personal effects and equipment of groups or delegations of foreign residents arriving in the United States on goodwill visits of short duration to participate in patriotic celebrations, festivals, and other demonstrations of public interest and which will be exported or destroyed at the conclusion of the visit.	Free	Free.
	Articles entered for the personal or family use of the following persons who are aliens on duty in the United States:		
822.10	Upon the request of the Department of State, ambassadors, ministers, chargé d'affaires, secretaries, counselors, and attachés of foreign embassies and legations.	Free	Free.
822.20	Members of the armed forces of any foreign country	Free	Free.
822.30	Upon the request of the Department of State, other representatives, officers, and employees of foreign governments.	Free	Free.
822.40	Upon the request of the Department of State, persons designated pursuant to statute or pursuant to treaties ratified by the United States Senate.	Free	Free.
	Subpart D—Other Personal Exemptions		
825.00	Artificial limbs and limb braces imported solely for the personal use of a specified person and not for sale otherwise than for the use of such person.	Free	Free.
	Articles for the blind:		
826.10	Books, music, and pamphlets, in raised print, used exclusively by or for them.	Free	Free.

PART 2—PERSONAL EXEMPTIONS—Continued

[28 F.R. 9025]

Item	Articles	Rates of duty	
		1	2
	Subpart D—Other Personal Exemptions—Continued		
	Articles for the blind—Continued		
826.20	Braille tablets, cubarithms, and special apparatus, machines, presses, and types for their use or benefit exclusively.	Free	Free.
827.00	Articles of metal (including medals, trophies, and prizes), for bestowal on persons in the United States, as honorary distinctions, by foreign countries or citizens of foreign countries.	Free	Free.
828.00	Upon the request of the Department of State, articles from citizens of foreign countries for presentation to the President or Vice President of the United States.	Free	Free.

AMENDMENTS

Subpart A, headnote 1(a), amended by Pub. L. 89-62, §§ 1(c)(3), 4, June 30, 1965, 79 Stat. 208, to apply with respect to persons arriving in the United States on or after Oct. 1, 1965.

Subpart B, parenthetical cross-reference provision, struck out by Pub. L. 89-436, § 1(a), (c), May 31, 1966, 80 Stat. 189, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1966.

Item 813.30 amended by Pub. L. 89-62, §§ 1(b), 4, June 30, 1965, 79 Stat. 208, to apply with respect to persons arriving in the United States on or after Oct. 1, 1965.

Item 813.31 amended by Pub. L. 89-62, §§ 1(a), 4, June 30, 1965, 79 Stat. 208, to apply with respect to persons arriving in the United States on or after Oct. 1, 1965.

Item 813.32 repealed by Pub. L. 89-62, §§ 1(c)(1), 4, June 30, 1965, 79 Stat. 208, to apply with respect to persons arriving in the United States on or after Oct. 1, 1965.

Item 813.40 amended by Pub. L. 89-62, §§ 1(c)(2), 4, June 30, 1965, 79 Stat. 208, to apply with respect to persons arriving in the United States on or after Oct. 1, 1965.

Item 817.00 added by Pub. L. 89-436, § 1(a), (c), May 31, 1966, 80 Stat. 189, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1966.

PART 3—GOVERNMENTAL IMPORTATIONS

[28 F.R. 9031]

Item	Articles	Rates of duty	
		1	2
	Subpart A—United States Government		
	Articles for the use of any agency of the United States Government:		
830.00	Engravings, etchings, photographic prints, whether bound or unbound, recorded video tapes, and exposed photographic films (including motion-picture films) whether or not developed.	Free	Free.
	Articles for the Department of State:		
831.00	Sound recordings and recorded video tapes for use by it in the program authorized by the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431-1479).	Free	Free.
	Articles for military departments:		
832.00	Materials certified to the Commissioner of Customs by the authorized procuring agencies to be emergency war material purchased abroad.	Free	Free.
	Articles for the General Services Administration:		
833.00	Materials certified by it to the Commissioner of Customs to be strategic and critical materials procured under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h).	Free	Free.
	Articles for the Atomic Energy Commission:		
834.00	Materials certified by it to the Commissioner of Customs to be source materials the entry of which is necessary in the interest of the common defense and security.	Free	Free.
	Articles for the use of the Department of Agriculture or of the United States Botanic Garden:		
835.00	Plants, seeds, and all other material for planting	Free	Free.
	Articles for the Commodity Credit Corporation:		
836.00	Materials certified by it to the Commissioner of Customs to be strategic materials acquired by that agency as a result of barter or exchange or agricultural commodities or products.	Free	Free.

PART 3—GOVERNMENTAL IMPORTATIONS—Continued

[28 F.R. 9031]

Item	Articles	Rates of duty	
		1	2
	Subpart B—Foreign Governments and International Organizations		
	Subpart B headnotes:		
	1. Any article exempted under this subpart from the payment of duty shall be exempt also from the payment of any internal-revenue tax imposed upon or by reason of importation.		
	2. The term "public international organization", as used in this subpart, means an organization so designated by the President pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).		
840.00	Public documents (including exposed and developed motion picture and other films, recorded video tapes, and sound recordings) issued essentially at the instance and expense of a foreign government, of a political subdivision of a foreign country, or of an international organization the membership of which includes two or more foreign countries.	Free	Free.
	Articles for foreign governments on a reciprocal basis, and for public international organizations:		
841.10	Upon the request of the Department of State, office supplies and equipment and other articles for the official use of representatives of foreign governments, or of personnel of public international organizations, on duty in the United States.	Free	Free.
841.20	Articles for the official use of members of the armed forces of any foreign country on duty in the United States.	Free	Free.
	Upon the request of the Department of State, articles which are the property of a foreign government or of a public international organization:		
842.10	Articles which, while in the United States, will remain the property of such government or of such organization and will be used only in connection with noncommercial functions of such government or of such organization, including exhibitions which are sponsored by or participated in by such government or such organization and which are not commercial in character or connected with commercial undertakings.	Free	Free.
842.20	Prosthetic appliances furnished by a foreign government to former members of its armed forces who reside in the United States.	Free	Free.
842.30	Headstones furnished by a foreign government for graves of its war veterans buried in the United States.	Free	Free.
842.40	Articles for presentation as gifts to the United States Government, to any State or local government, or to any public institution organized in the United States.	Free	Free.
842.50	Printed matter, not containing advertising matter, for free distribution.	Free	Free.

AMENDMENTS

Item 830.00 amended by Pub. L. 89-651, §§ 2, 8(b)(3), Oct. 14, 1966, 80 Stat. 897, 901, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 831.00 amended by Pub. L. 89-651, §§ 2, 8(b)(4), Oct. 14, 1966, 80 Stat. 897, 901, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 840.00 amended by Pub. L. 89-651, §§ 2, 5, Oct. 14, 1966, 80 Stat. 897, 898, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

PART 4—IMPORTATIONS OF RELIGIOUS, EDUCATIONAL, SCIENTIFIC, AND OTHER INSTITUTIONS

[28 F.R. 9033]

Item	Articles	Rates of duty	
		1	2

Part 4 headnotes:

1. Except as provided in items 850.50, 852.20, and 854.20, or as otherwise provided for in this headnote, the articles covered by this part must be exclusively for the use of the institutions involved, and not for distribution, sale, or other commercial use within 5 years after being entered. Articles admitted under any items in this part may be transferred from an institution specified with respect to such articles to another such institution, or may be exported or destroyed under customs supervision, without duty liability being incurred. However, if any such article (other than an article provided for in item 850.50 or 852.20) is transferred other than as provided by the preceding sentence, or is used for commercial purposes, within 5 years after being entered, the institution for which such article was entered shall promptly notify customs officers at the port of entry and shall be liable for the payment of duty on such article in an amount determined on the basis of its condition as imported and the rate applicable to it (determined without regard to this part) when entered. If, with a view to a transfer (other than a transfer permitted by the second sentence) or the use for commercial purposes of an instrument or apparatus, a repair component admitted under item 851.65 has been assembled into such instrument or apparatus, such component shall, for purposes of the preceding sentence, be treated as a separate article.

2. The term *"regalia"* as used in this part (items 850.40 and 851.30) embraces only such insignia of rank or office, emblems, or other articles as may be worn upon the person or borne in the hand during public exercises of the institution, and does not include articles of furniture or fixtures, nor regular wearing apparel, nor personal property of individuals.

3. Architectural, engineering, industrial, or commercial drawings and plans, and reproductions thereof, are not covered by this part unless they are intended soely for exhibition or for educational use under item 851.10 (see part 5 of schedule 2).

4. Painted, colored, or stained glass windows, and parts thereof, not covered by item 850.30 are provided for in part 3B of schedule 5.

5. Part 5B of this schedule contains provisions under which certain institutions may import articles free of duty for permanent exhibition under bond.

6. (a) The term "instruments and apparatus" (item 851.60) embraces only instruments and apparatus provided for in—

(i) schedule 5: items 535.21-.27 and subpart E of part 2; and items 547.53 and 547.55 and subpart D of part 3;

(ii) schedule 6: subpart G of part 3; subparts A and F and items 676.15, 676.20, and 678.50 of part 4; part 5; and items 694.15, 694.50, and 696.60 of part 6; and

(iii) schedule 7: part 2 (except subpart G); and items 790.59-.62 of subpart A of part 13;

but the term does not include materials or supplies, nor does it include ordinary equipment for use in building construction or maintenance or for use in supporting activities of the institution such as its administrative offices or its eating or religious facilities.

(b) An institution desiring to enter an article under item 851.60 shall make application therefor to the Secretary of the Treasury including therein (in addition to such other information as may be prescribed by regulation) a description of the article, the purposes for which the instrument or apparatus is intended to be used, the basis for the institution's belief that no instrument or apparatus of equivalent scientific value for such purposes is being manufactured in the United States, and a statement that either the institution has already placed

PART 4—IMPORTATIONS OF RELIGIOUS, EDUCATIONAL, SCIENTIFIC, AND OTHER INSTITUTIONS—Continued

[28 F.R. 9033]

Item	Articles	Rates of duty	
		1	2
	Part 4 headnotes—Continued a bona fide order for the instrument or apparatus or has a firm intention, in the event of favorable action on its application, to place such an order on or before the final day specified in paragraph (d) of this headnote for the placing of an order. If the application is made in accordance with the applicable regulations, the Secretary of the Treasury shall promptly forward copies thereof to the Secretary of Commerce and to the Secretary of Health, Education, and Welfare. If, at any time while its application is under consideration by the Secretary of Commerce or by the Court of Customs and Patent Appeals on appeal from a finding by him, an institution cancels an order for the instrument or apparatus to which its application relates or ceases to have a firm intention to order such instrument or apparatus, it shall promptly so notify the Secretary of Commerce or such Court, as the case may be. (c) Upon receipt of the application the Secretary of Commerce shall, by publication in the Federal Register, afford interested persons and other Government agencies reasonable opportunity to present their views with respect to the question whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. After considering any views presented pursuant to this paragraph, including any written advice from the Secretary of Health, Education, and Welfare, the Secretary of Commerce shall determine whether an instrument or apparatus of equivalent scientific value to such article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States. Each finding by the Secretary of Commerce under this paragraph shall be promptly reported to the Secretary of the Treasury and to the applicant institution. Each such finding shall be published in the Federal Register, with a statement of the reasons therefor, on or before the ninetieth day following the date on which the application was made to the Secretary of the Treasury in accordance with applicable regulations. (d) Item 851.60 shall not apply with respect to any instrument or apparatus unless a bona fide order therefor has been placed, by the institution making the application under this headnote, on or before the sixtieth day following the day on which a finding of the Secretary of Commerce favorable to the institution has become final and conclusive. (e) Within 20 days after the publication in the Federal Register of a finding by the Secretary of Commerce under paragraph (c) of this headnote, an appeal may be taken from said finding only upon a question or questions of law and only to the United States Court of Customs and Patent Appeals— (i) by the institution which made the application under paragraph (b) of this headnote, (ii) by a person who, in the proceeding which led to such finding, represented to the Secretary of Commerce in writing that he manufactures in the United States an instrument or apparatus of equivalent scientific value for the purposes for which the article to which the application relates is intended to be used, (iii) by the importer thereof, if the article to which the application relates has been entered at the time the appeal is taken, or (iv) by an agent of any of the foregoing. Any appeal under this paragraph shall receive a preference over all other matters before the Court and shall be heard and determined as expeditiously as the Court considers to be practicable. The judgment of the Court shall be final.		

PART 4—IMPORTATIONS OF RELIGIOUS, EDUCATIONAL, SCIENTIFIC, AND OTHER INSTITUTIONS—Continued

[28 F.R. 9033]

Item	Articles	Rates of duty	
		1	2
	Part 4 headnotes—Continued (f) The Secretary of the Treasury and the Secretary of Commerce may prescribe joint regulations to carry out their functions under this headnote.		
	Articles imported for the use of an institution established solely for religious purposes:		
850.10	Drawings, engravings, etchings, lithographs, woodcuts, sound recordings, recorded video tapes, and photographic and other prints, all the foregoing whether bound or unbound, and exposed photographic films (including motion-picture films) whether or not developed.	Free	Free.
850.30	Painted, colored, or stained glass windows and parts thereof, all the foregoing valued over $15 per square foot and designed by, and produced by or under the direction of, a professional artist.	Free	Free.
850.40	Regalia	Free	Free.
850.50	Handwoven fabrics, to be used by the institution in making religious vestments for its own use or for sale.	Free	Free.
	Articles imported for the use of an institution organized and operated for religious purposes, including cemeteries, schools, hospitals, orphanages, and similar nonprofit activities staffed and controlled by such institution:		
850.70	Altars, pulpits, communion tables, baptismal fonts, shrines, mosaics, iconostases, or parts, appurtenances, or adjuncts of any of the foregoing, whether to be physically joined thereto or not, and statuary (except granite or marble cemetery headstones, granite or marble grave markers, and granite or marble feature memorials, and except casts of plaster of paris, or of compositions of paper or papier-mâché).	Free	Free.
	Articles imported for the use of any public library, any other public institution, or any nonprofit institution established for educational, scientific literary, or philosophical purposes, or for the encouragement of the fine arts:		
851.10	Drawings and plans, reproductions thereof, engravings, etchings, lithographs, woodcuts, globes, sound recordings, recorded video tapes, and photographic and other prints, all the foregoing whether bound or unbound, and exposed photographic films (including motion-picture films) whether or not developed.	Free	Free.
851.15	Letters, numbers, and other symbols; number cards and other arithmetical materials; printed matter; blocks and other dimensional shapes; geometrical figures, plane or solid; geographical globes; tuned bells and basic materials for understanding music; model articles and figures of animate objects; puzzles and games; flags; dressing frames; dummy clocks; bottles, boxes, and other containers or holders; all the foregoing, whether or not in sets, fabricated to specification and designed for the classroom instruction of children; and containers or holders fabricated to specification and designed for the storage of such instructional articles when not in use.	Free	The column 2 rate applicable in the absence of this item.
851.20	Sculptures and statuary	Free	Free.
851.30	Regalia	Free	Free.
851.40	Any textile machine or machinery, or part thereof, solely for the instruction of students.	Free	Free.
851.50	Patterns and models exclusively for exhibition or educational use at any such institution.	Free	Free.
	Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes:		
851.60	Instruments and apparatus, if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used is being manufactured in the United States (see headnote 6 to this part).	Free	Free.
851.65	Repair components for instruments or apparatus admitted under item 851.60.	Free	Free.
852.20	Wild animals (including birds and fish) imported for use, or for sale for use, in any scientific public collection for exhibition for scientific or educational purposes.	Free	Free.
	Articles imported for the use of an institution established to encourage the saving of human life:		
853.10	Lifeboats and lifesaving apparatus	Free	Free.

PART 4—IMPORTATIONS OF RELIGIOUS, EDUCATIONAL, SCIENTIFIC, AND OTHER INSTITUTIONS—Continued

[28 F.R. 9033]

Item	Articles	Rates of duty	
		1	2
	Articles imported for the use of any nonprofit institution, whether public or private, established for educational, scientific, or therapeutic purposes:		
854.10	Apparatus utilizing any radioactive substance in medical diagnosis or therapeutic treatment, including the radioactive material itself when contained in the apparatus as an integral element thereof, and parts or accessories of any of the foregoing.	Free	Free.
854.20	Cellulosic plastics materials imported for use in artificial kidney machines or apparatus by a hospital or by a patient pursuant to prescription of a physician.	Free	The column 2 rate applicable in the absence of this item.

AMENDMENTS

Headnote 1 amended by Pub. L. 90-615, § 4(b), (c), Oct. 21, 1968, 82 Stat. 1211, to apply with respect to articles entered or withdrawn from warehouse for consumption on or after Oct. 21, 1968.

Headnote 1 amended by Pub. L. 89-651, §§ 2, 6(c)(2), Oct. 14, 1966, 80 Stat. 897, 899, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Headnote 1 amended by Pub. L. 88-482, § 1(b), (c), Aug. 22, 1964, 78 Stat. 594, effective on the tenth day after Aug. 22, 1964.

Headnote 3 amended by Pub. L. 89-651, §§ 2, 6(a)(1), Oct. 14, 1966, 80 Stat. 897, 898, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Headnote 6 added by Pub. L. 89-651, §§ 2, 6(c)(3), Oct. 14, 1966, 80 Stat. 897, 899, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 850.10 amended by Pub. L. 89-651, §§ 2, 8(b)(5), Oct. 14, 1966, 80 Stat. 897, 901, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 851.10. Article description preceding item 851.10 and item 851.10 amended by Pub. L. 89-651, §§ 2, 6(a)(2), (3), Oct. 14, 1966, 80 Stat. 897, 899, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 851.15 added by Pub. L. 89-806, § 3, Nov. 10, 1966, 80 Stat. 1524, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Nov. 10, 1966.

Item 851.50 amended by Pub. L. 89-651, §§ 2, 6(b), Oct. 14, 1966, 80 Stat. 897, 899, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 851.60. Article description preceding item 851.60 and items 851.60 and 851.61 added by Pub. L. 89-651, §§ 2, 6(c)(1), Oct. 14, 1966, 80 Stat. 897, 899, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 852.10. Article description preceding item 852.10 and item 852.10 struck out by Pub. L. 89-651, §§ 2, 7, Oct. 14, 1966, 80 Stat. 897, 901, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 852.20 amended by Pub. L. 88-482, § 1(a), (c), Aug. 22, 1964, 78 Stat. 594, effective on the tenth day after Aug. 22, 1964.

Item 854.10 amended by Pub. L. 89-651, §§ 2, 6(c)(4), Oct. 14, 1966, 80 Stat. 897, 901, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 854.20 added by Pub. L. 90-615, § 4(a), (c), Oct. 21, 1968, 82 Stat. 1211, to apply with respect to articles entered or withdrawn from warehouse for consumption on or after Oct. 21, 1968.

PART 5—SAMPLES; ARTICLES ADMITTED FREE OF DUTY UNDER BOND

[28 F.R. 9035]

Item	Articles	Rates of duty	
		1	2
	Subpart A—Samples for Soliciting Orders		
	Subpart A headnotes:		
	1. Any article exempted under this subpart from the payment of duty shall be exempt also from the payment of any internal-revenue tax imposed upon or by reason of importation and from the labeling requirements of the Federal Alcohol Administration Act and chapter 52 of the Internal Revenue Code of 1954.		

PART 5—SAMPLES; ARTICLES ADMITTED FREE OF DUTY UNDER BOND—Continued

[28 F.R. 9035]

Item	Articles	Rates of duty	
		1	2
	Subpart A—Samples for Soliciting Orders—Continued		
	Subpart A headnotes—Continued 2. The provisions of item 860.10 or 860.20 apply to not more than one sample of each beverage product, or of each tobacco product, cigarette paper, or cigarette tube, respectively, admitted during any calendar quarter for the use of each person importing alcoholic beverages, tobacco products, cigarette papers, or cigarette tubes in commercial quantities.		
860.10	Alcoholic beverage samples (each sample containing not more than 8 ounces if a malt beverage, not more than 4 ounces if a wine, and not more than 2 ounces if any other alcoholic beverage) to be used in the United States only for soliciting orders by persons importing alcoholic beverages in commercial quantities.	Free	Free.
860.20	Samples of tobacco products, and cigarette papers and tubes (each sample consisting of not more than (a) 3 cigars, (b) 3 cigarettes, (c) ⅛ ounce of tobacco, (d) ⅛ ounce of snuff, (e) 3 cigarette tubes, or (f) 25 cigarette papers) to be used in the United States only for soliciting orders by persons importing tobacco products, cigarette papers, or cigarette tubes in commercial quantities.	Free	Free.
860.30	Any sample (except samples covered by item 860.10 or 860.20), valued not over $1 each, or marked, torn, perforated, or otherwise treated so that it is unsuitable for sale or for use otherwise than as a sample, to be used in the United States only for soliciting orders for products of foreign countries.	Free	Free.
	Subpart B—Articles for Permanent Exhibition Under Bond		
	Subpart B headnotes: 1. The provisions of this subpart do not apply to articles intended for sale or for any purpose other than exhibition or erecting a public monument, nor do they apply to any institution or society engaged in or connected with business of a private or commercial character. Articles admitted under item 862.10 may be transferred from an organization specified therein to another such organization, or temporarily to a commercial gallery or other premises, for exhibition and not for sale. 2. Prior to the release of articles under item 862.10 or 862.20, bond shall be given for the payment of lawful duties which may accrue should any of the articles be sold, transferred, or used contrary to the provisions of this subpart within 5 years after the date of entry hereunder, and such articles shall be subject at any time within such 5 year period to examination and inspection by customs officers. Surety on such bonds may be waived in the discretion of the Secretary of the Treasury.		
862.10	Articles imported for exhibition by any institution or society established for the encouragement of agriculture, arts, education, or science, or for such exhibition by any State or for a municipal corporation.	Free, under bond, as prescribed in headnote 2.	Free, under bond, as prescribed in headnote 2.
862.20	Articles imported by any institution, society, or State, or for a municipal corporation, for the purpose of erecting a public monument.	Free, under bond, as prescribed in headnote 2.	Free, under bond, as prescribed in headnote 2.
	Subpart C—Articles Admitted Temporarily Free of Duty Under Bond		
	Subpart C headnotes: 1. (a) The articles described in the provisions of this subpart, when not imported for sale or for sale on approval, may be admitted into the United States without the payment of duty, under bond for their exportation within 1 year from the date of importation, which period, in the discretion of the Secretary of the Treasury, may be extended, upon application, for one or more further periods which, when added to the initial 1 year, shall not exceed a total of 3 years, except that (1) articles imported under item 864.75 shall be admitted under bond for their exportation within 6 months from the date of importation and such 6-months period shall not be extended, and (2) in the case of professional equipment and tools of trade admitted into the United States under item 864.50 which have been seized (other than by seizure made at the suit of private persons), the requirement of reexportation shall be suspended for the duration of the seizure. For purposes of this headnote, an aircraft engine or propeller, or any part or accessory of either, imported under item 864.05, which is removed physically from the United States as part of an aircraft departing from the United States in international traffic shall be treated as exported.		

PART 5—SAMPLES; ARTICLES ADMITTED FREE OF DUTY UNDER BOND—Continued

[28 F.R. 9035]

Item	Articles	Rates of duty	
		1	2
	Subpart C—Articles Admitted Temporarily Free of Duty Under Bond—Continued		
	Subpart C headnotes—Continued		
	(b) For articles admitted into the United States under item 864.50, entry shall be made by the nonresident importing the articles or by an organization represented by the nonresident which is established under the laws of a foreign country or has its principal place of business in a foreign country.		
	2. Merchandise may be admitted into the United States under item 864.05 only on condition that—		
	(a) such merchandise will not be processed into an article manufactured or produced in the United States if such article is—		
	(i) alcohol, distilled spirits, wine, beer, or any dilution or mixture of any or all of the foregoing;		
	(ii) a perfume or other commodity containing ethyl alcohol (whether or not such alcohol is denatured), or		
	(iii) a product of wheat; and		
	(b) if any processing of such merchandise results in an article (other than an article described in (a) of this headnote) manufactured or produced in the United States—		
	(i) a complete accounting will be made to the Customs Service for all articles, wastes, and irrecoverable losses resulting from such processing, and		
	(ii) all articles and valuable wastes resulting from such processing will be exported or destroyed under customs supervision within the bonded period.		
	3. Upon satisfactory proof that any article admitted under item 864.30 has been destroyed because of its use for any purpose provided for therein, the obligation under the bond to export such article shall be treated as satisfied.		
	4. Collectors of customs may defer the exaction of a bond for not to exceed 90 days after the date of importation for vehicles and craft entered under item 864.35 to take part in races or other specific contests for other than money purses; but unless any such vehicle or craft is exported or the bond is given within the period of such deferment, such vehicle or craft shall be subject to forfeiture.		
	5. Articles may be admitted under item 864.75 only on condition that the Secretary of the Treasury shall have found that the foreign country from which the articles were imported allows, or will allow, substantially reciprocal privileges in respect of similar imports to such country from the United States; and if the Secretary finds that a foreign country has discontinued, or will discontinue, the allowance of such privileges, the privileges of item 864.75 shall not apply thereafter in respect of imports from such foreign country.		
864.05	Articles to be repaired, altered, or processed (including processes which results in articles manufactured or produced in the United States.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.10	Models of women's wearing apparel imported by manufacturers for use solely as models in their own establishments.	Free, under bond, as prescribed in head note 1.	Free, under bond, as prescribed in head note 1.
864.15	Articles imported by illustrators and photographers for use solely as models in their own establishments, in the illustrating of catalogues, pamphlets, or advertising matter.	Free, under bond, as prescribed in head note 1.	Free, under bond, as prescribed in headnote 1.
864.20	Samples solely for use in taking orders for merchandise.......	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.25	Articles solely for examination with a view to reproduction, or for such examination and reproduction (except photoengraved printing plates for examination and reproduction); and motion-picture advertising films.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.30	Articles intended solely for testing, experimental, or review purposes, including plans, specifications, drawings, blueprints, photographs, and similar articles for use in connection with experiments or for study.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.35	Automobiles, motorcycles, bicycles, airplanes, airships, balloons, boats, racing shells, and similar vehicles and craft, and the usual equipment of the foregoing; all the foregoing which are brought temporarily into the United States by nonresidents for the purpose of taking part in races or other specific contests.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.

PART 5—SAMPLES; ARTICLES ADMITTED FREE OF DUTY UNDER BOND—Continued

[28 F.R. 9035]

Item	Articles	Rates of duty	
		1	2
	Subpart C—Articles Admitted Temporarily Free of Duty Under Bond—Continued		
864.40	Locomotives and other railroad equipment brought temporarily into the United States for use in clearing obstructions, fighting fires, or making emergency repairs on railroads within the United States, or for use in transportation otherwise than in international traffic when the Secretary of the Treasury finds that the temporary use of foreign railroad equipment is necessary to meet an emergency.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.45	Containers for compressed gases, filled or empty, and containers or other articles in use for covering or holding merchandise (including personal or household effects) during transportation and suitable for reuse for that purpose.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.50	Professional equipment, tools of trade, repair components for equipment or tools admitted under this item, and camping equipment: all the foregoing imported by or for nonresidents sojourning temporarily in the United States and for the use of such nonresidents.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.55	Articles of special design for temporary use exclusively in connection with the manufacture or production of articles for export.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.60	Animals and poultry brought into the United States for the purpose of breeding, exhibition, or competition for prizes, and the usual equipment therefor.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.65	Theatrical scenery, properties, and apparel brought into the United States by proprietors or managers of theatrical exhibitions arriving from abroad for temporary use by them in such exhibitions.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.70	Works of the free fine arts, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought into the United States by professional artists, lecturers, or scientists arriving from abroad for use by them for exhibition and in illustration, promotion, and encouragement of art, science, or industry in the United States.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
864.75	Automobiles, automobile chassis, automobile bodies, cutaway portions of any of the foregoing, and parts for any of the foregoing, finished, unfinished, or cutaway, when intended solely for show purposes.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.
	Subpart D—Tea Admitted Free of Duty Under Bond		
	Subpart D headnotes: 1. Importers and manufacturers who import the material provided for in item 867.00 shall give suitable bond, to be subject to the approval only of the collector of customs at the port of entry, conditioned that the imported material shall be only used for the purposes provided for in the said item 867.00, under such regulations as may be prescribed by the Secretary of Health, Education, and Welfare. 2. See part 11A of schedule 1 for other provisions relating to tea.		
867.00	Tea, tea waste, and tea siftings and sweepings, all the foregoing to be used solely for manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed.	Free, under bond, as prescribed in headnote 1.	Free, under bond, as prescribed in headnote 1.

AMENDMENTS

Subpart C, headnote 1, par. 1(a) (formerly par. 1) so redesignated, subsec. (a)(1) so designated, and subsecs. (a)(2) and (b) added by Pub. L. 90-635, §§ 2(b)(1)-(3), 4, Oct. 24, 1968, 82 Stat. 1351, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on and after a date which shall be proclaimed by the President, which date shall be consonant with the entering into force for the United States of the customs convention which subpart C, headnote 1, as amended, implements.

Subpart C, headnote 1, amended by Pub. L. 88-334, June 30, 1964, 78 Stat. 231, effective with respect to articles physically removed from the United States on or after June 30, 1964, without regard to when such articles were admitted into the United States. For the purposes of this amendment, articles imported before August 31, 1963, under section 308(1) of the Tariff Act of 1930 [former section 1308(1) of this title] shall be treated as imported under item 864.05 of the Tariff Schedules of the United States.

Item 864.50 amended by Pub. L. 90-635, §§ 2(a), 4, Oct. 24, 1968, 82 Stat. 1351, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on and after a date which shall be proclaimed by the President, which date shall be consonant with the entering into force for the United States of the customs convention which item 864.50, as amended, implements.

PART 6—OTHER SPECIAL CLASSIFICATION PROVISIONS
[28 F.R. 9041]

Item	Articles	Rates of duty	
		1	2
	Part 6 headnote: 1. No article shall be exempted from duty under item 870.30 unless a Federal agency or agencies designated by the President determines, that such article is visual or auditory material of an educational, scientific, or cultural character within the meaning of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character. Whenever the President determines that there is or may be profitmaking exhibition or use of articles described in item 870.30 which interferes significantly (or threatens to interfere significantly) with domestic production of similar articles, he may prescribe regulations imposing restrictions on the entry of such foreign articles to insure that they will be exhibited or used only for nonprofitmaking purposes.		
870.10	Records, diagrams, and other data with regard to any business, engineering, or exploration operation conducted outside the United States, whether on paper, cards, photographs, blueprints, tapes, or other media.	Free	Free.
	Nets or sections or parts of nets:		
870.20	Monofilament gill nets to be used for fish sampling	Free	Free.
870.25	To be used in taking wild birds under license issued by an appropriate Federal or State governmental authority.	Free	Free.
870.27	Specimens of archeology, mineralogy, or natural history (including specimens of botany or zoology other than live zoological specimens) imported for any public or private scientific collection for exhibition or other educational or scientific use, and not for sale or other commercial use.	Free	Free.
870.30	Developed photographic film, including motion-picture film on which pictures or sound and pictures have been recorded; photographic slides; transparencies; sound recordings; recorded videotape; models; charts; maps; globes; and posters; all of the foregoing which are determined to be visual or auditory materials in accordance with headnote 1 of this part.	Free	Free.

AMENDMENTS

Headnote 1 added by Pub. L. 89-634, § 3(a)(1), Oct. 8, 1966, 80 Stat. 879, effective as provided in Effective Date of 1966 Amendment note set out below.

Item 870.27 added by Pub. L. 89-651, §§ 2, 7, Oct. 14, 1966, 80 Stat. 897, 901, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after date proclaimed by the President as provided in Effective Date of Educational, Scientific, and Cultural Materials Importation Act of 1966 note, set out preceding section 1202 of this title.

Item 870.30 added by Pub. L. 89-634, § 3(a)(2), Oct. 8, 1966, 80 Stat. 880, effective as provided in Effective Date of 1966 Amendment note set out below.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 3(b) of Pub. L. 89-634, Oct. 8, 1966, 80 Stat. 880, provided that: "The amendments made by subsection (a) [adding headnote 1 to part 6 and item 870.30] shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on or after the date proclaimed by the President pursuant to this subsection, which date shall be within the period of six months which begins with the day after the day on which the United States instrument of acceptance of the Agreement is deposited with the Secretary General of the United Nations."

APPENDIX TO THE TARIFF SCHEDULES [28 F.R. 9043]

Part 1—Temporary Legislation.
  A. Temporary Provisions for Additional Duties.
  B. Temporary Provisions Amending the Tariff Schedules.
Part 2—Temporary Modifications Proclaimed Pursuant to Trade-Agreements Legislation.
  A. Escape-Clause Actions.
  B. Temporary Modifications Pursuant to Section 252 of the Trade Expansion Act of 1962.
  C. [Deleted].
  D. Other Temporary Modifications.
Part 3—Additional Import Restrictions Proclaimed Pursuant to Section 22 of the Agricultural Adjustment Act, as Amended.

APPENDIX HEADNOTES

1. The provisions of this Appendix relate to legislation and to executive and administrative actions pursuant to duly constituted authority, under which—

(a) one or more of the provisions in schedules 1 through 8 are temporarily amended or modified, or

(b) additional duties or other import restrictions are imposed by, or pursuant to, collateral legislation.

2. Unless the context requires otherwise, the general headnotes and rules of interpretation and the respective schedule, part, and subpart headnotes in schedules 1 through 8 apply to the provisions of this Appendix.

PART 1—TEMPORARY LEGISLATION

[28 F.R. 9045]

Item	Articles	Rates of duty		Effective period
		1	2	
	Subpart A—Temporary Provisions for Additional Duties			
	Subpart A headnotes: 1. The duties provided for in this subpart are cumulative duties which apply in addition to the duties, if any, otherwise imposed on the articles involved. The duties provided for in this subpart apply only with respect to articles entered during the period specified in the last column. 2. Sections 336 and 350 of this Act (the so-called flexible tariff and trade-agreements provisions, respectively) shall not apply with respect to the duty provided for in item 901.00. 3. With respect to any articles upon which the duty imposed under item 901.00 has been paid and which, on the date of termination of the tax provided for in section 4501, I.R.C., are held by the importer and intended for sale or other disposition, there shall be refunded (without interest) to such importer an amount equal to the duty paid on such articles under item 901.00, if claim for such refund is filed with the Secretary or his delegate within 90 days after the date of termination of the tax.			
901.00	Sugars, sirups, and molasses provided for in items 155.20 to 155.31, inclusive, of part 10A of schedule 1, if not to be further refined or otherwise improved in quality, and articles of sugars, sirups, and molasses of the kinds described in such items, all the foregoing (except sugars, sirups, molasses, or articles to be used as livestock feed, or in the production of livestock feed, or for the distillation of alcohol).	The same as the tax imposed under sec. 4501, I.R.C[2].	The same as the tax imposed under sec. 4501, I.R.C[2].	For such time as the tax imposed under sec. 4501, I.R.C., is in effect.[1]
	Subpart B—Temporary Provisions Amending the Tariff Schedules			
	Subpart B headnotes: 1. Any article described in the provisions of this subpart, if entered during the period specified in the last column, is subject to duty at the rate set forth herein in lieu of the rate provided therefor in schedules 1 to 8, inclusive. 2. Articles exempted under item 915.25 from the payment of duty shall be exempt also from the payment of any internal revenue tax imposed upon or by reason of importation. 3. (a) Items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16 shall not apply when the market price of copper is under 51 cents per pound. (b) For purposes of subparagraph (a), the market price of copper has the meaning assigned to it by headnote 5(b) of the headnotes of schedule 6, part 2, subpart C. (c) For purposes of subparagraph (a), the market price of copper shall be considered to be under 51 cents per pound only on and after the 20th day after the date of a report by the United States International Trade Commission to the Secretary of the Treasury that it has determined that the market price has been under 51 cents per pound for one calendar month. After any such report, the market price shall be considered as not being under 51 cents per pound only on and after the 20th day after the date of a report by the Commission to the Secretary that it has determined that the market price has been 51 cents or more per pound for one calendar month. (d) Determinations by the Commission under this headnote shall be made in the manner prescribed by headnote 5(e) of schedule 6, part 2, subpart C.			
	Horses, other than for immediate slaughter (provided for in part 1, schedule 1):			
903.50	Valued not over $150 per head (item 100.73)	Free	No change	On or before 6/30/76.
903.51	Value over $150 per head (item 100.75)	Free	No change	On or before 6/30/76.
	Feathers and downs, whether or not on the skin, crude, sorted (including feathers simply strung for convenience in handling or transportation), treated, or both sorted and treated, but not otherwise processed (provided for in item 186.15, part 15D, schedule 1):			
903.70	Meeting both test methods 4 and 10.1 of Federal Standard 148a promulgated by the General Services Administration.	Free	No change	On or before 6/30/79.
903.80	Other	Free	Free	On or before 6/30/79.

See footnotes at end of table.

PART 1—TEMPORARY LEGISLATION—Continued

[28 F.R. 9045]

Item	Articles	Rates of duty		Effective period
		1	2	
	Subpart B—Temporary Provisions Amending the Tariff Schedules—Continued			
903.90	Istle, processed (provided for in item 192.70, part 15G, schedule 1).	Free	Free	On or before 6/30/78.
	Yarns, wholly of noncontinuous silk fibers (provided for in part 1D, schedule 3):			
905.30	Singles, not bleached and not colored, measuring over 58,800 yards per pound (item 308.40).	Free	Free	On or before 11/7/75.
905.31	Plied, not bleached and not colored, measuring over 29,400 yards per pound (item 308.50).	Free	Free	On or before 11/7/75.
907.60	Carboxymethyl cellulose sodium salts of a purity not exceeding 98 percent nor less than 95 percent by weight on a dry weight basis (provided for in item 465.87, part 8A, schedule 4).	Free	No change	On or before 6/30/75.
907.80	Logwood, canaigre, chestnut, curupay, divi-divi , eucalyptus, hemlock, larch, tara, mangrove, myrobalan, oak, quebracho, sumac, urunday, wattle, and valonia, all the foregoing provided for in items 470.15, 470.23, 470.25, 470.55, 470.57, and 470.65, part 9A, schedule 4.	Free	Free	On or before 6/30/78.
909.01	Graphite, crude, and refined, natural (provided for in items 517.21, 517.24, or 517.27, part 1E, schedule 5).	Free	No change	On or before 6/30/78.
911.00	Zinc-bearing ores (provided for in item 602.20, part 1, schedule 6).	Free on zinc content.	No change	On or before 6/30/78.
911.01	Zinc dross and zinc skimmings (provided for in item 603.30, part 1, schedule 6).	Free	No change	On or before 6/30/78.
911.02	Zinc-bearing materials (provided for in items 603.49, 603.50, 603.54, and 603.55, part 1, schedule 6).	Free on zinc content.	No change	On or before 6/30/78.
911.03	Zinc waste and scrap (provided for in item 626.10, part 2, schedule 6).	Free	No change	On or before 6/30/78.
911.07	Manganese ore, including ferruginous manganese ore, and manganiferous iron ore, all the foregoing containing over 10 percent by weight of manganese (provided for in item 601.27, part 1, schedule 6).	Free	1¢ per lb. on manganese.	On or before 6/30/79.

Item	Articles	Rates of duty			Effective period
		1-a	1-b	2	
	Metal waste and scrap (provided for in part 2, schedule 6), except lead, zinc, and tungsten waste and scrap: unwrought metal (except copper, lead, zinc, and tungsten) in the form of pigs, ingots, or billets (a) which are defective or damaged, or have been produced from melted down metal waste and scrap for convenience in handling and transportation without sweetening, alloying, fluxing, or deliberate purifying, and (b) which cannot be commercially used without remanufacture; relaying or rerolling rails; and articles of metal (except articles of lead, of zinc, or of tungsten, and not including metal-bearing materials provided for in schedule 4 or in part 1 of schedule 6 and not including unwrought metal provided for in part 2 of schedule 6) to be used in remanufacture by melting:				
911.10	Copper waste and scrap	Free	No change	No change	On or before 6/30/78 (see headnote 3 of this subpart).
911.11	Articles of copper	Free	No change	No change	On or before 6/30/78 (see headnote 3 or 2 this subpart).
911.12	Other	Free	Free	Free	On or before 6/30/78.

Item	Articles	Rates of duty		Effective period
		1	2	
911.13	Copper bearing ores and materials (provided for in items 602.30 or 603.50, part 1, schedule 6).	Free of duty imposed on copper content under items 602.30 or 603.50.	No change	On or before 6/30/75 (see headnote 3 of this subpart), when headnote 5, part 1, schedule 6 is inapplicable.

PART 1—TEMPORARY LEGISLATION—Continued

[28 F.R. 9045]

Item	Articles	Rates of duty			Effective period
		1a	1b	2	
	Subpart B—Temporary Provisions Amending the Tariff Schedules—Continued				
911.14	Cemented copper and copper precipitates (provided for in item 612.02, part 2C, schedule 6).	Free	No change	No change	On or before 6/30/75 (see headnote of this subpart 3).
911.15	Black copper, blister copper, anode copper (provided for in item 612.03, part 2C, schedule 6).	Free	No change	No change	On or before 6/30/75 (see headnote 3 of this subpart).
911.16	Other unwrought copper (provided for in item 612.06, part 2C, schedule 6).	Free	No change	No change	On or before 6/30/75 (see headnote 3 of this subpart).

Item	Articles	Rates of duty		Effective period
		1	2	
911.25	Synthetic rutile (provided for in item 603.70, pt. 1, schedule 6).	Free	No change	On or before 6/30/77.
911.70	Copying lathes used for making rough or finished shoe lasts from models of shoe lasts and, in addition, capable of producing more than one size shoe last from a single size model of a shoe last (provided for in item 674.42, part 4F, schedule 6), and parts thereof provided for in items 674.50, 674.51, and 674.53.	Free	Free	On or before 6/30/76.
912.05	Generator lighting sets for bicycles (provided for in item 653.39, part 3F, schedule 6).	Free	No change	On or before 12/31/76.
912.07	Externally-powered electric elbow prosthetic devices for juvenile amputees (provided for in item 709.57, part 2B, schedule 7), and parts thereof, if imported solely for charitable therapeutic use, or distribution free of charge, by any public or private nonprofit institution established for educational, scientific, or therapeutic purposes.	Free	No change	On or before 6/30/78.
	* * * * *			
912.10	Derailleurs, caliper brakes, drum brakes, three-speed hubs incorporating coaster brakes, three-speed hubs not incorporating coaster brakes, click twist grips, click stick levers, multiple free-wheel sprockets (provided for in item 732.36, part 5C, schedule 7).	Free	No change	On or before 12/31/76.

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[1] The tax terminates June 30, 1976.

[2] The tax rate is 0.53 cent per pound of total sugars.

AMENDMENTS

Subpart B, headnote 2, added by Pub. L. 90-240, § 1(b), Jan. 2, 1968, 81 Stat. 776, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1968. A previous headnote 2, which had been amended by Pub. L. 89-368, Title III, § 303(b), Mar. 15, 1966, 80 Stat. 71, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Mar. 15, 1966, was struck out by Pub. L. 89-436, § 1(b), (c), May 31, 1966, 80 Stat. 189, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1966.

Subpart B, headnote 2, struck out by Pub. L. 89-436, § 1(b), (c), May 31, 1966, 80 Stat. 189, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1966.

Subpart B, headnote 2, amended by Pub. L. 89-368, title III, § 303(b), Mar. 15, 1966, 80 Stat. 71, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Mar. 15, 1966.

Subpart B, headnote 3 and items 911.10, 911.11, and 911.13 to 911.16 amended by Pub. L. 93-77, §§ 1, 2, July 30, 1973, 87 Stat. 176, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 1, 1973.

Subpart B, headnote 3, added by Pub. L. 90-615, § 3(b), Oct. 21, 1968, 82 Stat. 1211, to apply as provided in section 3(c) of Pub. L. 90-615, set out as Entries and Withdrawals of Copper Articles After June 30, 1968 note under this part.

Item 903.20. Article description preceding item 903.20 and items 903.20 and 903.21 repealed by Pub. L. 91-41, §§ 1(a)(2), 2, July 9, 1969, 83 Stat. 44 to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1969.

Items 903.20 and 903.21 amended by Pub. L. 89-439, § 1(a), (b), May 31, 1966, 80 Stat. 191, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1966.

Item 903.30. Article descriptions preceding items 903.30, 903.43, 903.44, 903.48, 903.60 and 903.65 and items 903.30 to 903.32, 903.40, 903.43, 903.44 to 903.47, 903.48 and 903.49, 903.60 and 903.61, and 903.65 repealed by Pub. L. 89-388, §§ 1(g), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Items 903.50 and 903.51 added by Pub. L. 93-484, §§ 1, 2, Oct. 26, 1974, 88 Stat. 1459, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 26, 1974.

Items 903.70 and 903.80 added by Pub. L. 93-480, §§ 1, 2, Oct. 26, 1974, 88 Stat. 1454, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after the 180th day after Oct. 26, 1974.

Item 903.90 amended by Pub. L. 94-46, § 1, June 30, 1975, 89 Stat. 245, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after September 5, 1975.

Item 903.90 amended by Pub. L. 93-99, § 2(a), (b)(1), Aug. 16, 1973, 87 Stat. 341, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 16, 1973.

Item 903.90 amended by Pub. L. 91-65, § 1(a), (b), Aug. 25, 1969, 83 Stat. 105, applicable with respect to articles entered, or withdrawn from warehouse, for consumption, after Sept. 5, 1969.

Item 903.90 amended by Pub. L. 89-575, § 1(a), (b), Sept. 13, 1966, 80 Stat. 771, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after Sept. 5, 1966.

Item 904.40 repealed by Pub. L. 89-431, §§ 1(b), 2, May 26, 1966, 80 Stat. 168, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after May 26, 1966.

Items 905.30 and 905.31 amended by Pub. L. 93-499, § 1(a), (b), Oct. 29, 1974, 88 Stat. 1549, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 29, 1974.

Items 905.30 and 905.31 amended by Pub. L. 92-161, § 1, Nov. 18, 1971, 85 Stat. 485, to apply with respect to articles entered, or withdrawn from warehouse, after Nov. 7, 1971.

Items 905.30 and 905.31 amended by Pub. L. 91-28, §§ 1, 2(a), June 13, 1969, 83 Stat. 36, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 13, 1969.

Items 905.30 and 905.31 amended by Pub. L. 89-229, § 1, Oct. 1, 1965, 79 Stat. 901, to extend the suspension of duties on silk yarns from 11/7/65 to 11/7/68.

Item 907.15 repealed by Pub. L. 92-151, § 1(a)(4), Nov. 5, 1971, 85 Stat. 417, eff. July 16, 1971.

Item 907.15 amended by Pub. L. 90-615, § 1(a), Oct. 21, 1968, 82 Stat. 1210, to apply as provided in section 1(b) of Pub. L. 90-615, set out as Entries and Withdrawals of Alumina and Bauxite After July 15, 1968 note under this part.

Item 907.15 amended by Pub. L. 89-440, § 1(a), (b), May 31, 1966, 80 Stat. 192, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after July 15, 1966.

Item 907.15 amended by Pub. L. 88-362, July 7, 1964, 78 Stat. 298, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1964.

Item 907.30 amended by Pub. L. 91-36, § 1, June 30, 1969, 83 Stat. 42. Expired on Dec. 31, 1970.

Item 907.30 amended by Pub. L. 89-432, May 31, 1966, 80 Stat. 169.

Item 907.45 added by Pub. L. 91-309, July 7, 1970, 84 Stat. 411, effective for 2-year period beginning July 8, 1970. Expired on July 7, 1972.

Item 907.50 amended by Pub. L. 93-79, §§ 1, 2(a), July 30, 1973, 87 Stat. 177, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 30, 1973. Expired on Dec. 31, 1973.

Item 907.50 added by Pub. L. 92-587, § 3(a), (b), Oct. 27, 1972, 86 Stat. 1296, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 27, 1972.

Item 907.60 added by Pub. L. 93-483, §§ 1, 2, Oct. 26, 1974, 88 Stat. 1457, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after the day after Oct. 26, 1974.

Item 907.70. Article descriptions preceding item 907.70 and article description preceding item 907.73 and items 907.70 to 907.72, 907.73, to 907.75, and 907.77 repealed by Pub. L. 89-388, §§ 1(g), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Item 907.77 amended by Pub. L. 89-241, §§ 2(a), 86, Oct. 7, 1965, 79 Stat. 933, 950, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 907.80 amended by Pub. L. 94-108, Oct. 8, 1975, 89 Stat. 570, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Sept. 30, 1975.

Item 907.80 amended by Pub. L. 93-101, §§ 1, 2(a), Aug. 16, 1973, 87 Stat. 348, applicable with respect to articles, entered, or withdrawn from warehouse, for consumption on or after Aug. 16, 1973.

Item 907.80 amended by Pub. L. 91-388, §§ 1, 2(a), Aug. 24, 1970, 84 Stat. 830, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Aug. 24, 1970.

Item 907.80 amended by Pub. L. 89-573, Sept. 13, 1966, 80 Stat. 765 which extended item to Sept. 30, 1969.

Item 907.85. Article description preceding item 907.85 and items 907.85 to 907.88 repealed by Pub. L. 89-388, §§ 1(g), 2, Apr. 13, 1966, 80 Stat. 110, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Apr. 13, 1966.

Item 909.01 added by Pub. L. 94-120, §§ 1, 2, Oct. 21, 1975, 89 Stat. 609, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 21, 1975.

Item 909.20 repealed by Pub. L. 89-433, § 1(b), (c), May 31, 1966, 80 Stat. 169, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1966.

Item 909.20 amended by Pub. L. 88-329, June 29, 1964, 78 Stat. 225, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1964.

Item 909.25 amended by Pub. L. 91-635, §§ 1, 2, Dec. 31, 1970, 84 Stat. 1877, to be applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after Dec. 31, 1970. Expired on Dec. 31, 1972.

Item 909.25 amended by Pub. L. 91-26, §§ 1, 2, June 13, 1969, 83 Stat. 36, to apply with respect to articles entered or withdrawn from warehouse, for consumption, after July 15, 1969.

Item 909.25 amended by Pub. L. 90-571, §§ 1, 2, Oct. 12, 1968, 82 Stat. 1004, to apply with respect to articles entered, or withdrawn for consumption, after July 15, 1968.

Item 909.25 amended by Pub. L. 89-434, §§ 1, 2, May 31, 1966, 80 Stat. 169, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after July 15, 1966.

Item 909.25 added by Pub. L. 89-241, § 87(a), (b), Oct. 7, 1965, 79 Stat. 950, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Oct. 7, 1965.

Item 909.30 amended by Pub. L. 90-615, § 1(a), Oct. 21, 1968, 82 Stat. 1210, to apply as provided in section 1(b) of Pub. L. 90-615, set out as Entries and Withdrawals of Alumina and Bauxite After July 15, 1968 note under this part, and repealed by Pub. L. 92-151, § 1(a)(4), Nov. 5, 1971, eff. July 16, 1971.

Item 909.30 amended by Pub. L. 89-440, § 1(a), (b), May 31, 1966, 80 Stat. 192, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after July 15, 1966.

Item 909.30 amended by Pub. L. 88-362, July 7, 1964, 78 Stat. 298, to apply with respect to articles entered, or withdrawn from warehouse for consumption after July 15, 1964.

Items 911.00 to 911.03 added by Pub. L. 94-89, §§ 1, 3(a), Aug. 9, 1975, 89 Stat. 438, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 9, 1975.

Item 911.05 amended by Pub. L. 90-615, § 1(a), Oct. 21, 1968, 82 Stat. 1210, and repealed by Pub. L. 92-151, § 1(a)(4), Nov. 5, 1971, eff. July 16, 1971.

Item 911.05 amended by Pub. L. 89-440, § 1(a), (b), May 31, 1966, 80 Stat. 192, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after July 15, 1966.

Item 911.05 amended by Pub. L. 88-362, July 7, 1964, 78 Stat. 298, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1964.

Item 911.07 amended by Pub. L. 94-560, Oct. 19, 1976, 90 Stat. 2642, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1976.

Item 911.07 amended by Pub. L. 93-99, § 1, Aug. 16, 1973, 87 Stat. 341, applicable with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1973.

Item 911.07 amended by Pub. L. 91-306, § 1(a), (b), July 6, 1970, 84 Stat. 407, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1970.

Item 911.07 amended by Pub. L. 90-49, July 7, 1967, 81 Stat. 119, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1967.

Item 911.07 added by Pub. L. 88-338, June 30, 1964, 78 Stat. 232, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1964.

Items 911.10 to 911.12 amended by Pub. L. 94-89, §§ 2, (3)(b), Aug. 9, 1975, 89 Stat. 438, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 9, 1975.

Items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16 amended by Pub. L. 93-497, §§ 1, 2, Oct. 29, 1974, 88 Stat. 1534, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 1, 1974.

Items 911.10, 911.11, 911.13, 911.14, 911.15, 911.16 amended by Pub. L. 91-298, §§ 1, 2, June 30, 1970, 84 Stat. 367, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1970.

Items 911.10, 911.11, and 911.13 to 911.16 amended by Pub. L. 90-615; 3(a), Oct. 21, 1968, 82 Stat. 1211, to apply as provided in section 3(c) of Pub. L. 90-615, set out as Entries and Withdrawals of Copper Articles After June 30, 1968 note under this part.

Item 911.10. Effective period accompanying article description preceding items 911.10 to 911.12 deleted by Pub. L. 89-468, §§ 1(b)(2), June 23, 1966, 80 Stat. 218, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Feb. 8, 1966.

Items 911.10 to 911.12 amended by Pub. L. 89-468, §§ 1(a), 2, June 23, 1966, 80 Stat. 218, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Feb. 8, 1966.

Items 911.10 to 911.12 amended by Pub. L. 89-61, June 30, 1965, 79 Stat. 207, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1965.

Items 911.10 to 911.12 amended by Pub. L. 88-324, June 29, 1964, 783 Stat. 222, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1964.

Item 911.12 amended by Pub. L. 93-78, July 30, 1973, 87 Stat. 177, applicable with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1973.

Item 911.12 amended by Pub. L. 92-44, July 2, 1971, 85 Stat. 100, applicable with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1971.

Item 911.12 amended by Pub. L. 91-25, § 1(a), (b), June 13, 1969, 83 Stat. 35, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1969.

Item 911.12 amended by Pub. L. 90-45, July 3, 1967, 81 Stat. 111, to apply with respect to articles entered or withdrawn from warehouse, for consumption, after June 30, 1967.

Items 911.13 to 911.16 added by Pub. L. 89-468, §§ 1(c), 2, June 23, 1966, 80 Stat. 219, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Feb. 8, 1966.

Items 911.21 to 911.23 amended by Pub. L. 90-48, July 7, 1967, 81 Stat. 119, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1967 and prior to Sept. 30, 1967.

Items 911.21 to 911.23 added by Pub. L. 89-204, §§ 1, 2(a), Sept. 27, 1965, 79 Stat. 839, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Sept. 27, 1965.

Item 911.25 added by Pub. L. 93-470, §§ 1, 2, Oct. 26, 1974, 88 Stat. 1422, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 26, 1974.

Item 911.40 added by Pub. L. 94-75, §§ 1, 2(a), Aug. 8, 1975, 89 Stat. 408, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 8, 1975.

Item 911.70 amended by Pub. L. 93-310, §§ 1, 2(a), June 8, 1074, 88 Stat. 235, effective with respect to articles entered, or withdrawn from warehouse, for consumption, after June 8, 1974.

Item 911.70 amended by Pub. L. 91-56, § 1(a), (b), Aug. 9, 1969, 83 Stat. 99, applicable with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1969.

Item 911.70 amended by Pub. L. 89-437, § 1(a), (b), May 31, 1966, 80 Stat. 190, to apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1966.

Item 911.70 amended by Pub. L. 89-241, §§ 2(a), 45(e), Oct. 7, 1965, 79 Stat. 933, 943, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Item 911.70 amended by Pub. L. 88-336, June 30, 1964, 78 Stat. 231, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after August 7, 1964.

Item 911.90 added by Pub. L. 89-241, §§ 2(a), 54(b), Oct. 7, 1965, 79 Stat. 933, 944, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after October 7, 1965 and prior to Aug. 31, 1969.

Items 912.05 and 912.10 amended by Pub. L. 93-490, § 1, Oct. 26, 1974, 88 Stat. 1466, applicable with respect to articles entered, or withdrawn from warehouse, for consumption after Dec. 31, 1973.

Items 912.05 and 912.10 added by Pub. L. 91-689, §§ 1, 2, Jan. 12, 1971, 84 Stat. 2073, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Jan. 12, 1971.

Item 912.07 added by Pub. L. 94-451, §§ 1, 2, Oct. 2, 1976, 90 Stat. 1502, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 2, 1976.

Item 912.08 added by Pub. L. 94-76, §§ 1, 2(a), Aug. 8, 1975, 89 Stat. 409, to apply with respect to articles entered after Sept. 1, 1974, and before July 1, 1975.

Item 915.20 struck out by Pub. L. 89-436, § 1(b), (c), May 31, 1966, 80 Stat. 189, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1966.

Item 915.20 amended by Pub. L. 88-323, June 25, 1964, 78 Stat. 222, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1964.

Item 915.25 amended by Pub. L. 92-212, § 1(a), (b), Dec. 22, 1971, 85 Stat. 774, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1972. Expired on Dec. 31, 1973.

Item 915.25 amended by Pub. L. 91-180, § 1(a), (b), Dec. 30, 1969, 83 Stat. 837, to apply with respect to articles entered, or withdrawn from warehouse, for consumption of or after Jan. 1, 1970.

Item 915.25 amended by Pub. L. 90-240, § 1(a), Jan. 2, 1968, 81 Stat. 776, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1968.

Item 915.25 added by Pub. L. 89-368, title III, § 303(a), Mar. 15, 1966, 80 Stat. 71, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Mar. 15, 1966.

Item 915.30 amended by Pub. L. 89-62, §§ 3, 4, June 30, 1965, 79 Stat. 208, to apply with respect to persons arriving in the United States after June 30, 1965.

Items 916.20 to 916.23 added by Pub. L. 89-392, §§ 1, 2, Apr. 14, 1966, 80 Stat. 118, to apply to articles entered, or withdrawn from warehouse, for consumption after Apr. 14, 1966.

LIQUIDATION OR RELIQUIDATION OF CERTAIN ARTICLES

The following Public Laws provided for the liquidation or reliquidation of certain articles entered or withdrawn during the periods specified:

Pub. L. 94-89, § 3(c), Aug. 9, 1975, 89 Stat. 438—Copper articles—After June 30, 1975, and before Aug. 9, 1975.

Pub. L. 94-76, § 2(b), Aug. 8, 1975, 89 Stat. 409—Open-top hopper cars exported for repairs or alterations—After Sept. 1, 1974, and before July 1, 1975.

Pub. L. 94-75, § 2(b), Aug. 8, 1975, 89 Stat. 408—Catalysts of platinum and carbon imported for use in producing caprolactam—After Oct. 1, 1973, and before Aug. 8, 1975.

Pub. L. 93-499, § 1(c), Oct. 29, 1974, 88 Stat. 1550—Silk yarns—After Nov. 7, 1973, and before Oct. 29, 1974.

Pub. L. 93-310, § 2(b), June 8, 1974, 88 Stat. 235—Copying shoe lathes—After June 30, 1972 and before June 8, 1974.

Pub. L. 93-101, § 2(b), Aug. 16, 1973, 87 Stat. 348—Dyeing and tanning products—After Sept. 30, 1972, and before Aug. 16, 1973.

Pub. L. 93-99, § 2(b)(2), Aug. 16, 1973, 87 Stat. 341—Manganese ore—After Sept. 5, 1972, and before Aug. 16, 1973.

Pub. L. 93-79, § 2(b), July 30, 1973, 87 Stat. 177—Caprolactam monomer in water solution—After Dec. 31, 1972, and before July 30, 1973.

Pub. L. 92-587, § 2(b), Oct. 27, 1972, 86 Stat. 1296—Caprolactam monomer in water solution—After Aug. 15, 1972, and before Oct. 27, 1972.

Pub. L. 91-388, § 2(b), Aug. 24, 1970, 84 Stat. 830—Tanning extracts—After Oct. 1, 1969, and before Aug. 24, 1970.

Pub. L. 91-28, § 2(b), June 13, 1969, 83 Stat. 36—Silk yarn—After Nov. 7, 1968, and before June 13, 1969.

Pub. L. 90-615, § 1(b), Oct. 21, 1968, 82 Stat. 1210—Alumina and bauxite—After July 15, 1968, and before Oct. 21, 1968.

Pub. L. 90-615, § 3(c), Oct. 21, 1968, 82 Stat. 1211—Copper articles—After June 30, 1968, and before Oct. 21, 1968.

PART 2—TEMPORARY MODIFICATIONS PROCLAIMED PURSUANT TO TRADE-AGREEMENTS LEGISLATION

[28 F.R. 9049]

Item	Articles	Rates of duty	
		1	2

Part 2 headnote:

1. This part contains the temporary modifications of the provisions in the tariff schedules proclaimed by the President pursuant to trade-agreements legislation. Unless otherwise stated, the modified provisions are effective until suspended or terminated.

Subpart A—Escape-Clause Actions

Subpart A headnotes:

1. This subpart contains the temporary modifications of the provisions of the tariff schedules proclaimed by the President pursuant to the procedures prescribed in sections 301 and 351 or 352 of the Trade Expansion Act of 1962, and sections 201, 202, 203, and 406 of the Trade Act of 1974.

2. *Quantitative limitations on stainless steel and alloy tool steel.*—The provisions of this headnote apply to items 923.20 to 923.26, inclusive, of this subpart. The quantitative import limitations imposed are in addition to the duties provided for the restrained articles in schedule 6, part 2B.

(a) *Definitions.*—For the purposes of this subpart—

(i) the term *"restraint period"* refers to a 12-month period beginning June 14 in one year and ending at the close of June 13 of the following year;

(ii) the term *"European Economic Community"* refers to an instrumentality of the Governments of Belgium, Denmark, France, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom;

(iii) the term *"alloy tool steel"* in item 923.25 and 923.26 refers to alloy steel which contains the following combinations of elements in the quantity, by weight, respectively indicated:

not less than 1.0% carbon and over 11.0% chromium; or

not less than 0.3% carbon and 1.25% to 11.0% inclusive chromium; or

not less than 0.85% carbon and 1% to 1.8% inclusive manganese; or

0.9% to 1.2% inclusive chromium and 0.9% to 1.4% inclusive molybdenum; or

not less than 0.5% carbon and not less than 3.5% molybdenum; or

not less than 0.5% carbon and not less than 5.5% tungsten;

PART 2—TEMPORARY MODIFICATIONS PROCLAIMED PURSUANT TO TRADE-AGREEMENTS LEGISLATION—Continued

[28 F.R. 9049]

Item	Articles	Rates of duty	
		1	2
	Subpart A—Escape-Clause Actions—Continued *Subpart A headnotes*—Continued (iv) The alloy tool steel provided for in item 923.25 is limited to alloy tool steel of the types provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08, which contain, in addition to iron, each of the following elements by weight in the amounts specified: carbon: not less than 0.95 nor more than 1.13 percent; manganese: not less than 0.22 nor more than 0.48 percent; sulfur: none, or not more than 0.03 percent; phosphorus: none, or not more than 0.03 percent; silicon: not less than 0.18 nor more than 0.37 percent; chromium: not less than 1.25 nor more than 1.65 percent; nickel: none, or not more than 0.28 percent; copper: none, or not more than 0.38 percent; molybdenum: none, or not more than 0.09 percent. (v) the term *"razor blade steel"* in item 923.20 refers to stainless steel strip not over 0.010 inch in thickness and not over 0.9 inch in width, containing by weight not less than 0.6 percent and not over 0.75 percent carbon, and containing by weight not less than 11.5 percent and not over 14.7 percent chromium, certified at the time of entry to be used in the manufacture of razor blades. (b) *Timing.*—No more than 60 percent of the respective aggregate quantity of articles provided for in item 923.20, 923.21, 923.22, 923.23 or 923.26, the product of a foreign country or instrumentality, may be entered during the first 6 months of any restraint period. (c) *Shortfall.*—During the last 3 months of a restraint period, should the Special Representative for Trade Negotiations determine that any quota quantity for a country or instrumentality under an item hereof is unlikely to be used during that restraint period, the Special Representative may modify the quota quantities for that item during such restraint period to reallocate the shortfall to other suppliers, such modification to be effective on or after the date of its publication in the FEDERAL REGISTER. A shortfall shall be considered likely when, inter alia, less than 66⅔% of the quota quantity is entered in the first 9 months of a restraint period or less than 80% of the quota quantity is entered in the first 10 months of a restraint period. (d) *Allocation.*—If the Special Representative determines that it is necessary or appropriate, to assure equitable treatment, he may allocate or reallocate a specific quota quantity to any country or instrumentality subject to restriction (either individually or by inclusion in the "other" country groupings), either on an item by item basis, or for all items. (e) *Carryover.*—Whenever the quota quantity or base limit, whichever is less, specified for an item for importation from Japan has not been entered during any restraint period, the shortfall may be entered in the same item during the first 30 days of the following restraint period and not be counted against the quota quantity therefor, provided that the amount of shortfall so entered does not exceed 4 percent of the base limit as specified in the table in headnote 2(f), for the restraint period during which the shortfall occurs. If in accordance with the provisions of headnote 2(f) all or part of a base limit of any item for Japan has been reallocated to the base limit of one or more other items for Japan, such amounts will not be considered a shortfall, and therefore not available for carryover.		

PART 2—TEMPORARY MODIFICATIONS PROCLAIMED PURSUANT TO TRADE-AGREEMENTS LEGISLATION—Continued

[28 F.R. 9049]

Item	Articles	Rates of duty	
		1	2

Subpart A—Escape-Clause Actions—Continued

Subpart A headnotes—Continued

(f) *Adjustments.*—Upon appropriate request of the Government of Japan for an adjustment of the quota quantities between items as provided for herein, the Special Representative shall modify the provisions of this subpart accordingly, such modification to be effective on or after the date of its publication in the FEDERAL REGISTER. The modification in the quota quantities for imports from Japan cannot exceed the percentage of the respective base limits shown below and must be accompanied by an equal tonnage reduction in the quota quantity from Japan for one or more of the other items during the same restraint period. With respect to item 923.25 there is no limitation specified for the increase permitted in any quota quantity but any establishment or increase in a base limit for item 923.25 must be accompanied by an equal tonnage reduction in the quota quantity from Japan for one or more of the other items during the same restraint period.

Item	Restraint periods					
	June 14, 1976—June 13, 1977		June 14, 1977—June 13, 1978		June 14, 1978—June 13, 1979	
	Base Limit	Maximum increase	Base limit	Maximum increase	Base limit	Maximum increase
	1,000 s. tons	Percent	1,000 s. tons	Percent	1,000 s. tons	Percent
923.20	38.6	10	38.9	10	39.8	10
923.21	5.6	1	5.9	1	6.3	1
923.22	13.0	1	14.0	3	14.5	3
923.23	5.7	1	5.9	3	6.0	3
923.25	19.8	No limitation	22.0	No limitation	24.3	No limitation
923.26	3.5	1	3.7	3	3.8	3

(g) *United States International Trade Commission (USITC) surveys.*—The USITC shall conduct mandatory surveys with respect to products of the types subject to import restraints under each item involved as follows:

(i) *Quarterly.*—Surveys by calendar quarter to obtain from domestic producers monthly data on production, shipments, prices, employment, and manhours. The initial surveys shall cover the fourth quarter of 1975 and the first two quarters of 1976; subsequent surveys will cover individual quarters; the last such survey shall cover the quarter which ends not less than 60 days prior to the termination of the import restraints. The USITC shall publish the results of these surveys within 45 days (as soon as feasible and not later than 60 days in the case of prices) of the end of a quarter. Such surveys will be conducted monthly, upon written request of the Special Representative to the USITC, if the Special Representative determines that monthly reporting is necessary.

(ii) *Annually.*—Annual surveys to obtain from domestic producers data by calendar quarter on profits, orders, and inventories, and annual data on capital expenditures, capacity, and research, and development expenditures; and to obtain from importers data by calendar quarter on prices, orders, and inventories. The initial surveys shall cover the fourth quarter of 1975 and calendar year 1975, as appropriate, and calendar year 1976, and the results shall be published by March 31, 1977. The results of subsequent surveys shall be published by March 31 of each year thereafter so long as the import restraints in this subpart are in effect.

PART 2—TEMPORARY MODIFICATIONS PROCLAIMED PURSUANT TO TRADE-AGREEMENTS LEGISLATION—Continued

[28 F.R. 9049]

Item	Articles	Rates of duty			
		1			2
	Subpart A—Escape-Clause Actions—Continued	Effective on or after—			
	Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:	May 1, 1976	May 1, 1977	May 1, 1978	
	Of fine-grained earthenware or of fine-grained stoneware:				
	Available in specified sets:				
923.01	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of subpart C, part C of schedule 5 is over $12 but not over $22 (provided for in item 533.28).	10¢ per doz. pcs. + 21% ad val.	8.5¢ per doz. pcs. + 17.5% ad val.	7¢ per doz. pcs. + 14% ad val.	No change.
	Not available in specified sets:				
923.07	Cups valued over $1.70 but not over $3.10 per dozen; saucers valued over $0.95 but not over $1.75 per dozen; plates not over 9 inches in maximum diameter and valued over $1.55 but not over $2.85 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $2.65 but not over $4.85 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over $3.40 but not over $6.20 per dozen (provided for in item 533.38).	10¢ per doz. pcs. + 21% ad val.	8.5¢ per doz. pcs. + 17.5% ad val.	7¢ per doz. pcs. + 14% ad val.	No change.
	Of nonbone chinaware or of subporcelain:				
	Household ware:				
923.13	Cups valued not over $1.35 per dozen; saucers valued not over $.90 per dozen; plates not over 9 inches in maximum diameter and valued not over $1.30 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over $2.70 per dozen; and creamers, sugars, vegetable dishes or bowls, platters, or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over $4.50 per dozen (provided for in item 533.73).	10¢ per doz. pcs. + 48% ad val.	8.5¢ per doz. pcs. + 39.5% ad val.	7¢ per doz. pcs. + 31% ad val.	No change.
923.15	Cups valued not over $1.35 but not over $4 per dozen; saucers valued over $0.90 but not over $1.90 per dozen; plates not over 9 inches in maximum diameter and valued over $1.30 but not over $3.40 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $2.70 but not over $6 per dozen; creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over $4.50 but not over $11.50 per dozen (provided for in item 533.75).	10¢ per doz. pcs. + 55% ad val.	8.5¢ per doz. pcs. + 47% ad val.	7¢ per doz. pcs. + 38.5% ad val.	No change.
		Quota quantity (in short tons) effective on or after—			
		June 14, 1976	June 14, 1977	June 14, 1978	
	Whenever, in any restraint period the respective aggregate quantity of articles specified below for item 923.20, 923.21, 923.22, 923.23, or 923.24, the product of a specified foreign country or instrumentality, has been entered (whether, for tariff purposes, in schedule 6 or in parts 1, 2, and 5 of schedule 8), no article in such item the product of such country or instrumentality may be entered during the remainder of such restraint period:				
923.20	Sheets and strip of stainless steel (except razor blade steel) of the types provided for in items 608.85, 608.88, 609.06, 609.07, and 609.08:				
	Japan	38,600	38,900	39,800	
	European Economic Community	15,800	16,300	16,600	
	Canada	8,800	8,900	9,200	
	Sweden	6,700	7,100	7,400	
	Other:				
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total).	2,600	2,800	2,900	
	Other (total)	3	3	3	

PART 2—TEMPORARY MODIFICATIONS PROCLAIMED PURSUANT TO TRADE-AGREEMENTS LEGISLATION—Continued

[28 F.R. 9049]

Item	Articles	Rates of duty		
		1		2
		Quota quantity (in short tons) effective on or after—		
		June 14, 1976	June 14, 1977	June 14, 1978
	Subpart A—Escape-Clause Actions—Continued			
	Whenever, in any restraint period, etc.—Continued			
923.21	Plates of stainless steel of the types provided for in items 608.85 and 608.88:			
	Japan	5,600	5,900	6,300
	European Economic Community	2,900	3,000	3,100
	Canada	400	500	500
	Sweden	3,300	3,400	3,600
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total).	700	700	700
	Other (total)	None	None	None
923.22	Bars of stainless steel of the types provided for in item 608.52:			
	Japan	13,000	14,000	14,500
	European Economic Community	2,500	2,600	2,700
	Canada	1,500	2,600	1,700
	Sweden	1,500	1,500	1,600
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total).	5,100	5,200	5,300
	Other (total)	2	2	2
923.23	Wire rods of stainless steel of the types provided for in items 608.76 and 608.78:			
	Japan	5,700	5,900	6,000
	European Economic Community	7,400	7,600	7,900
	Canada	None	None	None
	Sweden	4,000	4,100	4,200
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total).	None	None	None
	Other (total)	None	None	None
	Alloy tool steel of the types provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08:			
923.25	Alloy tool steel within the specifications of headnote 2(a)(iv):			
	Japan	19,800	22,000	24,300
	European Economic Community	3,500	3,500	3,500
	Canada	65	65	65
	Sweden	7,000	8,000	8,000
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total).....	50	50	50
	Other (total)	None	None	None
923.26	Other (see headnote 2(a)(iii)):			
	Japan	3,500	3,700	3,800
	European Economic Community	3,400	3,500	3,600
	Canada	1,900	2,000	2,000
	Sweden	8,500	8,600	8,700
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total).	3,600	3,700	3,800
	Other (total)	6	6	6

Item	Articles	Rates of duty			
		1			2
		Effective on or after—			
		May 1, 1974	May 1, 1976	May 1, 1977	
	Ball bearings, radial, provided for in item 680.35 of part 4J of schedule 6:				
923.80	Having an outside diameter of 9 mm and over but not over 30 mm and valued not over 60 cents each.	20% ad val.....	16% ad val.....	12% ad val.....	No change.
923.82	Having an outside diameter of over 30 mm but not over 52 mm and valued not over 75 cents each.	20% ad val.....	16% ad val.....	12% ad val.....	No change.
932.84	Having an outside diameter of over 52 mm but not over 100 mm and valued not over $1.30 each.	3.4¢ per lb. + 15% ad val.	3.4 per lb. +15% ad val.	2.6¢ per lb.+11% ad val.	No change.

PART 2—TEMPORARY MODIFICATIONS PROCLAIMED PURSUANT TO TRADE-AGREEMENTS LEGISLATION—Continued

[28 F.R. 9049]

Item	Articles	Rates of duty	
		1	2
	Subpart B—Temporary Modifications Pursuant to Section 252 of the Trade Expansion Act of 1962		
945.13	Potato starch (provided for in item 132.50)	2.5¢ per lb	No change.
	Brandy:		
	Provided for in item 168.28:		
945.17	Valued over $13 but not over $17 per gallon	$3	No change.
945.18	Valued over $17 per gallon	$5 per gal	No change.
	Provided for in item 168.32:		
945.19	Valued over $9 but not over $17 per gallon	$3 per gal	No change.
945.20	Valued over $17 per gallon	$5 per gal	No change.
945.49	Dextrine and soluble or chemically treated starches (provided for in item 493.30).	3¢ per lb	No change.
945.69	Automobile trucks valued at $1,000 or more (provided for in item 692.02).	25% ad val.	No change.

AMENDMENTS

Subpart A, headnote 1, and items 923.01, 923.07, 923.13 and 923.15 amended by Proc. No. 4436, Apr. 30, 1976, 41 F.R. 18397, effective as to articles entered, or withdrawn from warehouse, for consumption on and after May 1, 1976, and before the close of business April 30, 1979.

Subpart A, headnote 2, amended by Proc. No. 4477, Nov. 16, 1976, 41 F.R. 50969.

Subpart A, headnote 2 and items 923.20 to 923.24 added by Proc. No. 4445, June 11, 1976, 41 F.R. 24101, 29089, effective as to those articles entered, or withdrawn from warehouse, for consumption on or after June 14, 1976, and before the close of June 13, 1979, unless the period of effectiveness is earlier expressly modified or terminated.

Subpart A, headnote 2, revoked by Proc. No. 3683, Oct. 22, 1965, 30 F.R. 13623.

Item 922.50 amended by Proc. No. 3953, Dec. 31, 1969, 35 F.R. 141. Expired on Dec. 31, 1972.

Items following item 922.50 and preceding item 923.31 inserted by Proc. No. 4125, Apr. 22, 1972, 37 C.F.R. 8369, effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after May 1, 1972.

Items following item 922.50 and preceding item 924.00 modified by Proc. No. 4102, Jan. 29, 1972, 37 F.R. 2417, effective with respect to items entered, or withdrawn from warehouse, for consumption during the period commencing on the date of Proc. No. 4102 and terminating at the close of Jan. 31, 1974.

Items 923.11 through 923.25, 923.42 through 923.67, and 923.92 through 924.00 deleted by Proc. No. 3762, Jan. 11, 1967, 32 F.R. 361, to be effective with respect to articles entered, or withdrawn, from warehouse, for consumption on or after Jan. 11, 1967.

Items 923.25 and 923.26 added, and item 923.24 deleted, by Proc. No. 4477, Nov. 16, 1976, 41 F.R. 50969.

Items 923.31 through 923.35 amended by Proc. No. 3967, Feb. 27, 1970, 35 F.R. 3975. Expired on Mar. 30, 1970.

Item 923.37 deleted by Proc. No. 3967, Feb. 27, 1970, 35 F.R. 3975.

Items 923.31 through 923.37 and 923.71 through 923.77 amended by Proc. No. 3762, Jan. 11, 1967, 32 F.R. 361, to be effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 11, 1967.

Items 923.71 through 923.75 amended by Proc. No. 3967, Feb. 27, 1970, 35 F.R. 3975.

Item 923.77 deleted by Proc. No. 3967, Feb. 27, 1970, 35 F.R. 3975.

Items 923.75 and 923.77 amended by Pub. L. 89-241, §§ 2(a), 30, Oct. 7, 1965, 79 Stat. 933, 939, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Items 923.80, 923.82 and 923.84 added by Proc. No. 4279, Mar. 29, 1974, 39 F.R. 11861, effective as to articles entered, or withdrawn from warehouse, for consumption during the period commencing May 1, 1974, and terminating at the close of April 30, 1978.

Item 924.00 added by Proc. No. 3964, Feb. 21, 1970, 35 F.R. 3645.

Items 925.01 to 925.04 revoked by Proc. No. 3683, Oct. 22, 1965, 30 F.R. 13623. Revocation is effective on Oct. 22, 1965, with respect to such articles provided for in items 925.01 and 925.02 as are entered, or withdrawn from warehouse, for consumption on or after such date, and on the 30th day following Oct. 22, 1965, with respect to such articles provided for in items 925.03 and 925.04 as are entered, or withdrawn from warehouse, for consumption on or after the 30th day following such date.

Items 927.53 and 927.54 deleted by Proc. No. 3697, Jan. 7, 1966, 31 F.R. 423.

Items 927.60, 927.61, 927.62 added by Proc. No. 3697, Jan. 7, 1966, 31 F.R. 423.

Heading following item 927.62 amended by Proc. No. 3761, Jan. 11, 1967, 32 F.R. 357.

Item 930.00 deleted by Proc. No. 3696, Jan. 7, 1966, 31 F.R. 421.

Item 943.10 deleted by Proc. No. 3703, Jan. 28, 1966, 31 F.R. 1295.

Heading preceding item 945.01 amended, and items 945.01, 945.02 and 945.04 deleted by Proc. No. 4382, Aug. 5, 1975, 40 F.R. 33425, effective with respect to articles entered, or withdrawn from warehouse, for consumption after 12:01 a.m., EDT, Aug. 7, 1975.

Items 945.01 to 945.04 added by Proc. No. 4335, Nov. 16, 1974, 39 F.R. 40741.

Article heading preceding item 945.03 and item 945.03 deleted by Proc. No. 4410, Dec. 31, 1975, 41 F.R. 749, effective with respect to articles entered, or withdrawn from warehouse, for consumption after 12:01 a.m. EST, Jan. 1, 1976.

Item 945.16 deleted by Proc. No. 4480, Dec. 8, 1976, 41 F.R. 53967.

Item 945.16 amended by Proc. No. 4478, Nov. 26, 1976, 41 F.R. 52287.

Item 945.16 amended by Proc. No. 4304, July 16, 1974, 39 F.R. 26277, effective as to all articles entered, or withdrawn from warehouse, for consumption on and after July 1, 1974.

Items 945.17, 945.18, 945.19 and 945.20 added, by Proc. No. 4480, Dec. 8, 1976, 41 F.R. 53967.

Subpart C added by Proc. No. 4074, Aug. 15, 1971, 36 F.R. 15724, and terminated by Proc. No. 4098, Dec. 20, 1971, 36 F.R. 25201.

Subpart D added by Proc. No. 4076, Aug. 21, 1971, 35 F.R. 16561. Expired on Sept. 30, 1976.

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED

[28 F.R. 9055]

Item	Articles	Quota quantity
	Part 3 headnotes: 1. This part covers the provisions proclaimed by the President pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 USC 624), imposing import fees, herein referred to as duties, and quantitative limitations on articles imported into the United States. The duties provided for in this part are cumulative duties which apply in addition to the duties, if any, otherwise imposed on the articles involved. Unless otherwise stated, the duties and quantitative limitations provided for in this part apply until suspended or terminated. 2. *Exclusions.*—The import restrictions provided for in this part do not apply with respect to— (a) articles imported by or for the account of any agency of the United States; (b) commercial samples of cotton or cotton waste of any origin in uncompressed packages each weighing not more than 50 pounds gross weight; and articles (except cotton and cotton waste) with an aggregate value not over $25 in any shipment, if imported as samples for taking orders, for the personal use of the importer, or for research; (c) articles entered for exhibition, display, or sampling at a Trade Fair or for research, but only if written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within six months from the date of entry; (d) certified or registered seed wheat for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production, if— (i) the individual shipment amounts to 100 bushels (of 60 pounds each for wheat) or less, or (ii) the individual shipment amounts to more than 100 bushels and the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within six months from the date of entry; (e) wheat flour, the product of Israel, which is certified to the Secretary of Agriculture by an authorized representative of the government of Israel or its designee as having been thoroughly safeguarded for ritual purposes under rabbinical supervision and which is imported into the United States for use solely for religious and ritual purposes in the making of matzos for Passover, if the written approval of the Secretary of Agriculture is presented at the time of entry, or withdrawl from warehouse, for consumption; and (f) cotton produced in the United States with respect to which the Secretary of Agriculture shall have certified that there has been exported without benefit of subsidy, as an offset to the proposed reentry, an equal or greater number of pounds of cotton produced in the United States, of any grade or staple.	

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

[28 F.R. 9055]

Item	Articles	Quota quantity
	Part 3 headnotes—Continued 3. (a) *Dairy products*— (i) Imported articles subject to the import quotas provided for in items 950.01 through 950.16 except 950.06, may be entered only by or for the account of a person or firm to which a license has been issued by or under the authority of the Secretary of Agriculture, and only in accordance with the terms of such license; except that no such license shall be required for up to 1,225,000 pounds per quota year of natural Cheddar cheese, the product of Canada, made from unpasteurized milk and aged not less than 9 months which prior to exportation has been certified to meet such requirements by an official of the Canadian government, of which amount not more than one-half may be entered during the first six months of a quota year. Such licenses shall be issued under regulations of the Secretary of Agriculture which he determines will, to the fullest extent practicable, result in (1) the equitable distribution of the respective quotas for such articles among importers or users and (2) the allocation of shares of the respective quotas for such articles among supplying countries, based upon the proportion supplied by such countries during previous representative periods, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned. No licenses shall be issued which will permit entry during the first six months of a quota year of more than one-half of the quantities specified in the column entitled "Quota Quantity" for any of the articles subject to the quotas provided for in items 950.07 through 950.10E, 950.15, and 950.16. (ii) Not more than 4,406,250 pounds of the quota quantity specified for articles under item 950.08A for the period July 1, 1967, through December 31, 1967, and not more than 8,812,500 pounds of the annual quota quantity specified in such item for each subsequent 25-month period shall be products other than natural Cheddar cheese made from unpasteurized milk and aged not less than 9 months. (iii) For the purposes of items 950.10B through 950.10E of this part, the purchase price shall be determined by the District Director of Customs on the basis of the aggregate price received by the exporter, including all expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, but excluding transportation, insurance, duty, and other charges incident to bringing the merchandise from the place of shipment from the country of exportation to the place of delivery in the United States. (iv) Notwithstanding any other provision of this part, if the Secretary of Agriculture determines that, in the case of any article for which licenses are required by subdivision (i) hereof, a quantity specified in the column entitled "Quota Quantity" opposite the name of any country is not likely to be entered within any calendar year, he may by regulation provide with respect to such article for the adjustment for that calendar year, within the aggregate quantity of such article permitted to be entered from all countries during such calendar year, of the quantities of such article which may be entered during such year from particular countries of origin.	

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

[28 F.R. 9055]

Item	Articles	Quota quantity

Part 3 headnotes—Continued

(v) For the purposes of items 950.10B through 950.10E, the price referred to therein, to be determined in accordance with this subdivision, shall be the Commodity Credit Corporation purchase price for Cheddar cheese, U.S. Grade A or higher, standard moisture basis, under the milk price support program, rounded to the nearest whole cent, plus 7 cents, which price shall be determined by the Secretary of Agriculture, certified to the Secretary of the Treasury, and published in the FEDERAL REGISTER. A change of price determined in accordance with this subdivision shall not cause an article to be subject to the import restrictions contained in this part if, on or before the date of publication in the FEDERAL REGISTER of the change of price, such article was exported to the United States on a through bill of loading or placed in bonded warehouse.

(vi) Notwithstanding any other provisions of this part, 150,000,000 pounds of the articles described in item 115.50 may be entered during the period beginning March 5, 1974, and ending June 30, 1974, in addition to the annual quota quantity specified for such article under item 950.02, and import licenses shall not be required for entering such additional quantities. The 150,000,000 pounds additional quota quantity shall be allocated among supplying countries as follows:

Supplying Country	Quantity in pounds
Australia	15,000,000
New Zealand	55,000,000
Other Countries	80,000,000

(vii) Notwithstanding any other provision of this part, 100,000,000 pounds of the articles described in item 950.08A may be entered during the period beginning January 3, 1974, and ending March 31, 1974, in addition to the annual quota quantity specified for such articles under item 950.08A, and import licenses shall not be required for entering such additional quantity. No individual, partnership, firm, corporation, association, or other legal entity (including its affiliates or subsidiaries) may during such period enter pursuant to this provision an aggregate quantity of such articles in excess of 2,500,000 pounds. The 100,000,000 pounds additional quota quantity authorized to be entered during the period ending March 31, 1974, shall be allocated among supplying countries as follows:

Supplying Country	Quantity in pounds
New Zealand	55,000,000
Australia	12,000,000
Other Countries	33,000,000

(viii) Notwithstanding any other provision of this part, 56,000,000 pounds of the articles described in item 950.05 and 22,600,000 pounds of the articles described in item 950.06 may be entered during the period beginning November 1, 1973, and ending December 31, 1973, in addition to the annual quota quantities specified for such articles under items 950.05 and 950.06, and import licenses shall not be required for entering such additional quantities. No individual, partnership, firm, corporation, association, or other legal entity (including its affiliates or subsidiaries) may during such period enter pursuant to this provision an aggregate quantity of such additional articles in excess of 2,500,000 pounds. The 56,000,000 pounds of the articles described in item 950.05 shall be allocated among supplying countries as follows:

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

[28 F.R. 9055]

Item	Articles	Quota quantity			
	Part 3 headnotes—Continued				
	Supplying Country ... Quantity in pounds New Zealand ... 28,560,000 Member States of the European Economic Community. ... 24,640,000 Other Countries as follows: Argentina, Australia, Canada, Norway, Sweden, and Switzerland. ... 2,800,000				
	(b) *Cotton Waste.* For the purposes of item 955.05, the minimum quota in column (A) is that part of the total quota in column (C) which must be reserved for comber waste made from cotton 3/16 inches or more in staple length, and the unreserved quota in column (B) is that part of the total quota available for any quota-type waste, including comber waste made from cotton 3/16 inches or more in staple length.				
	(c) *Suspension.* Notwithstanding any other provision of this part, the quantitative limitations for the articles provided for in item 950.60 are suspended beginning January 26, 1974.				
	Whenever, in any 12-month period beginning January 1 in any year, the respective aggregate quantity specified below for one of the numbered classes of articles has been entered, no article in such class may be entered during the remainder of such period:				
949.80	Milk and cream, fluid or frozen, fresh or sour, containing over 5.5 percent but not over 45 percent by weight of butterfat:				
	For the 12-month period ending December 31, 1967:				
	New Zealand	The quantity entered on or before June 30, 1967, plus 750,000 gallons.			
	Other	None.			
	For each subsequent year:				
	New Zealand	1,500,000 gallons.			
	Other	None.			
949.90	Milk and cream, condensed or evaporated, classifiable for tariff purposes under items 115.30, 115.35, and 115.40.				
	For the 12-month period ending December 31, 1968	The quantity entered on or before the date of this amendment,[3] plus the following quantities:			
		[In pounds]			
		Evaporated		Condensed	
		In airtight containers	Other	In airtight containers	Other
	Netherlands	604,500	None	169,000	None
	Canada	35,000	None	1,096,000	2,500
	Denmark	5,500	None	667,000	None
	West Germany	11,000	None	None	None
	Australia	None	None	101,000	None
	Other	None	None	4,000	None
	For each subsequent 12-month period	The following quantities:			
	Netherlands	1,209,000	None	338,000	None
	Canada	700,000	None	2,192,000	5,000
	Denmark	11,000	None	1,334,000	None
	West Germany	22,000	None	None	None
	Australia	None	None	201,000	None
	Other	None	None	8,000	None
		Quota quantity (in pounds)			
	Dried milk, dried cream, and dried whey provided for in part 4 of schedule 1:				
950.01	Described in items 115.45 and 118.05	496,000			
950.02	Described in item 115.50	1,807,000			
950.03	Described in item 115.55	7,000			
950.04	Described in item 115.60	500			
950.05	Butter, and fresh or sour cream containing over 45 percent of butterfat, provided for in part 4B of schedule 1.	707,000			

See footnotes at end of table.

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

[28 F.R. 9055]

Item	Articles	Quota quantity (in pounds)
	Whenever, in any 12-month period, etc.—Continued	
950.06	Butter substitutes containing over 45 percent of butterfat provided for in item 116.30, part 4B, schedule 1, and butter oil however provided for elsewhere in these schedules.	1,200,000
	Cheese and substitutes for cheese provided for in part 4C, schedule 1:	
950.07	Blue-mold (except Stilton) and cheese and substitutes for cheese containing, or processed from, blue-mold cheese.	5,016,999
950.08A	Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese:	
	For the 12-month period ending December 31, 1967.	The quantity entered on or before June 30, 1967, plus 5,018,750 pounds (see headnote 3(a)(ii) of this part).
	For each subsequent 12-month period	10,037,500 pounds (see headnote 3(a)(ii) of this part).
950.08B	American-type cheese, including Colby, washed curd, and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese:	
	For the 12-month period ending December 31, 1967.	The quantity entered on or before June 30, 1967, plus 3,048,300 pounds.
	For each subsequent 12-month period	6,096,600
950.09A	Edam and Gouda cheeses	9,200,400
950.09B	Cheese and substitutes for cheese containing, or processed from Edam and Gouda cheese:	
	For the 12-month period ending December 31, 1968.	The quantity entered on or before the date of this proclamation,[3] plus the following quantities:
	Denmark	514,000
	Ireland	99,000
	Netherlands	51,000
	Norway	110,000
	West Germany	154,000
	Other	17,000
	For each subsequent 12-month period	The following quantities:
	Denmark	1,714,000
	Ireland	331,000
	Netherlands	169,000
	Norway	368,000
	West Germany	513,000
	Other	56,000
950.10	Italian-type cheeses, made from cow's milk, in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz).	11,500,100
950.10A	Italian-type cheese, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz), and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves:	
	Argentina	1,347,000
	Italy	104,500
	Australia	13,700
	Other	28,800
	Swiss or Emmenthaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheeses:	
950.10B	Swiss or Emmenthaler cheese with eye formation.	
	For the 12-month period ending December 31, 1972,	
	If shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) under 47 cents.	The following quantities:

See footnotes at end of table.

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

[28 F.R. 9055]

Item	Articles	Quota quantity (in pounds)
	Whenever, in any 12-month period, etc.—Continued	
	Cheese and substitutes, etc.—Continued	
	Swiss or Emmenthaler cheese, etc.—Continued	
	Swiss or Emmenthaler cheese, etc.—Continued	
	Austria	972.000
	Denmark	609,000
	Finland	1,843,000
	Norway	367,000
	Switzerland	200,000
	West Germany	124,000
	Other	156,000
	If having a purchase price per pound (see headnote 3(a)(iii) of this part) of 47 cents or more, but less than the price determined in accordance with headnote 3(a)(v) of this part.	The quantity entered on or before the date of this proclamation, plus the following quantities:
	Austria	4,229,000
	Denmark	1,626,000
	Finland	2,490,000
	Norway	761,000
	Switzerland	40,000
	West Germany	98,000
	Netherlands	110,000
	Israel	35,000
	Other	31,000
	For each 12-month period beginning January 1, 1973, if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part.	The following quantities:
	Austria	8,222,000
	Denmark	3,396,000
	Finland	6,111,000
	Norway	1,672,000
	Switzerland	269,000
	West Germany	292,000
	Netherlands	210,000
	Israel	60,000
	Other	188,000
950.10C	Other than Swiss or Emmenthaler with eye formation:	
	For the 12-month period ending December 31, 1972.	
	If shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) under 47 cents.	The following quantities:
	Austria	483,000
	Denmark	119,000
	Finland	1,516,000
	Switzerland	10,000
	West Germany	1,078,000
	Other	83,000
	If having a purchase price per pound (see headnote 3(a)(iii) of this part) of 47 cents or more, but less than the price determined in accordance with headnote 3(a)(v) of this part.	The quantity entered on or before the date of this proclamation, plus the following quantities:
	Austria	538,000
	Denmark	1,934,000
	Finland	52,000
	Switzerland	1,297,000
	West Germany	432,000
	Ireland	107,000
	Norway	47,000
	Portugal	160,000
	Other	71,000

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

[28 F.R. 9055]

Item	Articles	Quota quantity (in pounds)
	Whenever, in any 12-month period, etc.—Continued	
	Cheese and substitutes, etc.—Continued	
	Swiss or Emmenthaler cheese, etc.—Continued	
	Other than Swiss or Emmenthaler, etc.—Continued	
	For each 12-month period beginning January 1, 1973, if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part.	The following quantities:
	Austria	1,406,000
	Denmark	3,435,000
	Finland	1,606,000
	Switzerland	2,234,000
	West Germany	1,818,000
	Ireland	210,000
	Norway	82,000
	Portugal	275,000
	Other	176,000
950.10D	Cheeses and substitutes for cheese provided for in items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk, cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat, and articles within the scope of other import quotas provided for in this part.	
	For the 12-month period ending December 31, 1972,	
	If shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) under 47 cents.	The following quantities:
	Belgium	207,000
	Denmark	8,966,000
	Finland	1,124,000
	France	931,000
	Iceland	649,000
	Ireland	151,000
	Netherlands	56,000
	Norway	222,000
	Poland	2,064,000
	Sweden	1,535,000
	Switzerland	34,000
	United Kingdom	274,000
	West Germany	989,000
	New Zealand	7,500,000
	Other	388,000
	If having a purchase price per pound (see headnote 3(a)(iii) of this part) of 47 cents or more, but less than the price determined in accordance with headnote 3(a)(v) of this part.	The quantity entered on or before the date of this proclamation, plus the following quantities:
	Belgium	153,000
	Denmark	4,581,000
	Finland	67,000
	France	1,138,000
	Ireland	6,000
	Netherlands	213,000
	Norway	78,000
	Sweden	100,000
	Switzerland	106,000
	United Kingdom	129,000
	West Germany	676,000
	New Zealand	33,000
	Canada	1,459,000
	Portugal	113,000
	Austria	87,000
	Italy	10,000
	Israel	85,000
	Other	89,000
	For each 12-month period beginning January 1, 1973, if shipped otherwise than in pursuant to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part.	The following quantities:

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

[28 F.R. 9055]

Item	Articles	Quota quantity (in pounds)
	Whenever, in any 12-month period, etc.—Continued	
	Cheese and substitutes, etc.—Continued	
	Cheeses and substitutes—Continued	
	Belgium	469,000
	Denmark	16,820,000
	Finland	1,239,000
	France	2,882,000
	Iceland	649,000
	Ireland	161,000
	Netherlands	422,000
	Norway	356,000
	Poland	2,064,000
	Sweden	1,707,000
	Switzerland	215,000
	United Kingdom	496,000
	West Germany	2,148,000
	New Zealand	7,556,000
	Canada	2,670,000
	Portugal	227,000
	Austria	199,000
	Italy	17,000
	Israel	145,000
	Other	228,000
950.10E	Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4, schedule 1, except articles within the scope of other import quotas provided for in this part if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part.	The following quantities:
	Denmark	6,680,000
	United Kingdom	791,000
	Ireland	756,500
	West Germany	100,000
	Poland	385,600
	Australia	123,600
	Iceland	64,300
	Other	None
950.11	Malted milk, and articles of milk or cream, provided for in item 118.30, part 4D, schedule 1.	6,000
950.15	Chocolate provided for in item 156.30, of part 10, schedule 1, if containing over 5.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection):	
	Ireland	9,450,000
	United Kingdom	7,450,000
	Netherlands	100,000
	Other	None
950.16	Chocolate provided for in item 156.30 of part 10 and articles containing chocolate provided for in item 182.95, part 15, schedule 1, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection):	
	United Kingdom	930,000
	Ireland	3,750,000
	Other	None
950.17	Animal feeds containing milk or milk derivatives, classified under item 184.75, subpart C, part 15, schedule 1:	
	Ireland	12,060,000
	United Kingdom	185,000
	New Zealand	3,930,000
	Australia	125,000
	Other	None
950.18	Ice cream, as provided for in item 118.25 of part 4, subpart D, schedule 1:	
	Belgium	243,650 gallons
	New Zealand	155,680 gallons
	Denmark	3,450 gallons
	Netherlands	27,600 gallons
	Jamaica	950 gallons
	Other	None

Part 3—Additional Import Restrictions Proclaimed Pursuant to Section 22 of the Agricultural Adjustment Act, as Amended—Continued

[28 F.R. 9055]

Item	Articles	Quota quantity (in pounds)	
	Whenever, in any 12-month period, etc.—Continued		
950.19	Dried milk (described in items 115.45, 115.50, 115.55, and 118.05) which contains not over 5.5 percent by weight of butterfat and which is mixed with other ingredients, including but not limited to sugar, if such mixtures contain over 16 percent milk solids by weight, are capable of being further processed or mixed with similar or other ingredients and are not prepared for marketing to the retail consumers in the identical form and package in which imported; all the foregoing mixtures provided for in items 182.98 and 493.16, except articles within the scope of other import restrictions provided for in this part . . .	None	
	Articles containing over 5.5 percent by weight of butterfat, the butterfat of which is commercially extractable, or which are capable of being used for any edible purpose (except articles provided for in subparts A, B, C or item 118.30, of part 4, schedule 1, and except articles which are not suitable for use as ingredients in the commercial production of edible articles):		
950.22	Over 45 percent by weight of butterfat	None	
950.23	Over 5.5 percent but not over 45 percent by weight of butterfat and classifiable for tariff purposes under item 182.92 or 182.95:		
	Australia	2,240,000	
	Belgium and Denmark (aggregate)	340,000	
	Other	None	
950.60	Whenever, in any 12-month period beginning May 29, in any year, the respective quantity, specified below of wheat fit for human consumption (item 130.70, part 7A, schedule 1) or of milled wheat products fit for human consumption (item 131.40, part 7B, schedule 1) the product of a specified foreign country or area has been entered, no such wheat or milled wheat products, respectively, the product of such country or area may be entered during the remainder of such period:	Wheat (in 60-pound bushels)	Milled Wheat Products (in pounds)
	Canada	795,000	3,815,000.
	China	None	24,000.
	Hungary	None	13,000.
	Hong Kong	None	13,000.
	Japan	None	8,000.
	United Kingdom	100	75,000.
	Australia	None	1,000.
	Germany	100	5,000.
	Syria	100	5,000.
	New Zealand	None	1,000.
	Chile	None	1,000.
	Netherlands	100	1,000.
	Argentina	2,000	14,000.
	Italy	100	2,000.
	Cuba	None	12,000.
	France	1,000	1,000.
	Greece	None	1,000.
	Mexico	100	1,000.
	Panama	None	1,000.
	Uruguay	None	1,000.
	Poland and Danzig	None	1,000.
	Sweden	None	1,000.
	Yugoslavia	None	1,000.
	Norway	None	1,000.
	Canary Islands	None	1,000.
	Rumania	1,000	None.
	Guatemala	100	None.
	Brazil	100	None.
	Union of Soviet Socialist Republics	100	None.
	Belgium	100	None.
	Other foreign countries or areas	None	None.

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

[28 F.R. 9055]

Item	Articles	Quota quantity (in pounds)
951.00	Whenever, in any 12-month period beginning August 1 in any year, the aggregate quantity specified below of peanuts, shelled or not shelled, blanched, or otherwise prepared or preserved (except peanut butter) provided for in items 145.20, 145.21, and 145.48, part 9A, schedule 1, has been entered, no such products may be entered during the remainder of such period.	1,709,000 pounds: *Provided*, That peanuts in the shell shall be charged against this quota on the basis of 75 pounds for each 100 pounds of peanuts in the shell.
	Whenever, in the respective 12-month period specified below, the aggregate quantity specified below for one of the numbered classes of articles or for the product of a specified country or area within such numbered class has been entered, no article in such class or the product of such country or area may be entered during the remainder of such period:	
	Cotton, not carded, not combed, and not otherwise processed, the product of any country or area including the United States:	
955.01	Having a staple length under 1⅛ inches (except harsh or rough cotton having a staple length under ¾ inch), entered during the 12-month period beginning September 20 in any year:	
	Egypt and Sudan (aggregate)	783,816
	Peru	247,952
	India and Pakistan (aggregate)	2,003,483
	China	1,370,791
	Mexico	8,883,259
	Brazil	618,723
	Union of Soviet Socialist Republics	475,124
	Argentina	5,203
	Haiti	237
	Ecuador	9,333
	Honduras	752
	Paraguay	871
	Colombia	124
	Iraq	195
	British East Africa	2,240
	Indonesia and Netherlands New Guinea (aggregate)	71,388
	British West Indies (except Barbados, Bermuda, Jamaica, Trinidad, Tobago)	21,321
	Nigeria	5,377
	British West Africa (except Nigeria and Ghana).	16,004
	Other, including the United States	None
	Having a staple length 1⅛ inches or more but under 1⅜ inches, entered during the 12-month period beginning August 1 in any year:	
955.02	Harsh or rough cotton (except cotton of perished staple, grabbots, and cotton pickings), white in color and having a staple length of 1$\frac{5}{32}$ inches or more	1,500,000
955.03	Other	4,565,652
955.04	Having a staple length 1⅜ inches or more, entered during the 12-month period beginning August 1 in any year	39,590,778

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

[28 F.R. 9055]

Item	Articles	See headnote 3(b) of this part		
		(A) Minimum quota for certain comber waste	(B) Unreserved quota	(C) Total quota
	Whenever, in the respective 12-month period, etc.—Continued			
955.05	Card strips made from cotton having a staple length under 1$\frac{3}{16}$ inches, and cotton comber waste, lap waste, sliver waste, and roving waste, all the foregoing, whether or not advanced, the product of any country or area including the United States, entered during the 12-month period beginning September 20 in any year:			
	United Kingdom	2,882,305	1,441,152	4,323,457
	Canada	None	239,690	239,690
	France	151,613	75,807	227,420
	India and Pakistan (aggregate)	None	69,627	69,627
	Netherlands	45,493	22,747	68,240
	Switzerland	29,592	14,796	44,388
	Belgium	25,706	12,853	38,559
	Japan	None	341,535	341,535
	China	None	17,322	17,322
	Egypt	None	8,135	8,135
	Cuba	None	6,544	6,544
	Germany	50,886	25,443	76,329
	Italy	14,175	7,088	21,263
	Other, including the United States	None	None	None
		Quota quantity (in pounds)		
955.06	Fibers of cotton processed but not spun, entered during the 12-month period beginning September 11 in any year.	1,000		

AMENDMENTS

Headnote 2, par. (b) amended by Proc. No. 4482, Jan. 19, 1977, 42 F.R. 4309.

Headnote 2, pars. (b) and (c), amended by Pub. L. 89-241, §§ 2(a), 88(1), (2), Oct. 7, 1965, 79 Stat. 933, 950, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after Oct. 7, 1965.

Headnote 3(a) amended by Proc. No. 4026, Dec. 31, 1970, 36 F.R. 5.

Headnote 3(a), subd. (v), added by Proc. No. 4138, June 3, 1972, 37 F.R. 11227.

Headnote 3(a), subd. (vi) amended by Proc. No. 4274, Mar. 4, 1974, 39 F.R. 8315.

Headnote 3(a), subd. (vi), amended by Proc. No. 4216, May 10, 1973, 38 F.R. 12313; Proc. No. 4230, July 18, 1973, 38 F.R. 19343; Proc. No. 4238, Aug. 28, 1973, 38 F.R. 23309.

Headnote 3(a), subd. (vi), added by Proc. No. 4177, Dec. 30, 1972, 38 F.R. 7.

Headnote 3(a), subd. (vii), amended by Proc. No. 4258, Jan. 2, 1974, 39 F.R. 959.

Headnote 3(a), subd. (vii), added by Proc. No. 4213, Apr. 25, 1973, 38 F.R. 10241.

Headnote 3(a), subd. (viii), added by Proc. No. 4253, Oct. 31, 1973, 38 F.R. 30427.

Headnote 3(a), subd. (ix) added by Proc. No. 4260, Jan. 25, 1974, 39 F.R. 3533, and superseded by Proc. No. 4298, June 25, 1974, 39 F.R. 23951.

Headnote 3(c) added by Proc. No. 4298, June 25, 1974, 39 F.R. 23951.

Items 950.10B, 950.10C, 950.10D, 950.10E amended by Proc. No. 4138, June 3, 1972, 37 F.R. 11227.

Item 950.10D amended by Proc. No. 4026, Dec. 31, 1970, 36 F.R. 5.

Items 950.10E, 950.16, 950.17, 950.18 added by Proc. No. 4026, Dec. 31, 1970 36 F.R. 5.

Item 950.19 amended by Proc. No. 4482, Jan. 19, 1977, 42 F.R. 4309.

Item 950.19 added by Proc. No. 4423, Mar. 26, 1976, 41 F.R. 12875, applicable to articles entered, or withdrawn from warehouse, for consumption on and after Mar. 31, 1976.

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    sulfide....417.92
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    mineral wool....522.81
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  or textile materials...Sch 3 Pt 5C Hdnte 1
  of unspun fibrous vegetable materials...222.50
CURUPAY...470.20; 470.25
CUSHIONS...727.82; 727.86
  invalid and nursing, of rubber or plastics...772.42
CUSK (see FISH)
CUTCH...470.10-15
CUTICLE KNIVES and cuticle pushers...649.91
CUT-OUTS, for use in conjunction with internal combustion engines...683.60
CUTTING—
  appliances, gas operated...674.80-90
  blades—
    for hair clippers...650.83-85
    for mechanical and non-mechanical saws...649.14-25
    for power or hand tools...649.65-67
  heads—
    for hair clippers...650.83-85
    for shavers, electric and non-electric...650.77
  machines and apparatus, electric...683.90-95
  machines, for fabrics...670.50
  segments, metal, for saws...649.26
CUTTINGS—
  hide, raw...455.10
  live...125.40-60
CUTTLEFISH BONE...190.35
CYANOCOBALAMIN...407.85
CYANURIC CHLORIDE...425.10
CYCLAMATES...403.80
CYCLOHEXANE...403.80
CYCLOPHOSPHAMIDE...439.50
CYCLOPROPANE...429.52
CYLINDER WIRES, suitable for use in paper-making machines...642.25-30
CYMBALS...725.30
CYMENE...401.30
CYSTEINE...425.04

D

DAIRY PRODUCTS...Sch 1 Pt 4
DANTHRON...407.85
DARNING NEEDLES...651.05
DART GAMES...734.15
DASHEENS (see also VEGETABLES)...136.00
DATA-PROCESSING MACHINES...676.15
DATES (see also FRUIT)...147.40-48
DATING MACHINES...676.12
DDT...405.15
DECALCOMANIA PAPER, not printed...254.30-32
DECALCOMANIAS...273.65-80
  toy...737.90
DECANTERS (see TABLEWARE)
DECORATIONS, festooning, Christmas tree...748.15
DECYL ALCOHOL—
  natural...490.73-75
  synthetic...427.84
DEFINITIONS AND LIMITATIONS...See Hdntes, Sch. Pts. Subpts
DEFORMED CONCRETE REINFORCING BARS
  steel...Sch 6 Pt 2B Hdnte 3(d); 608.40-42
DENSIFIED WOOD, and articles thereof...203.10-30
DENTAL—
  cements...495.15
  furniture...727.02-04
  instruments and apparatus...709.01-27
DENTIFRICES...461.40-45
DEODORANTS...461.40-45
DEPTH-SOUNDING INSTRUMENTS...712.10-12
DERRIS ROOT...493.02-04
DESIGNS...273.45-55
DETERGENTS, synthetic (see also SURFACE-ACTIVE AGENTS)...Sch 4 Pt 8B Hdnte 1(b)
  benzenoid...405.35
  nonbenzenoid—
    bulk...465.05-95
    other...466.30
DEUTERIUM...494.52
DEVELOPING TANKS...722.88-90
DEXAMETHAZONE...437.56-60
DEXTRAN...439.50
DEXTRINE...493.30
DEXTROSE...155.60
  sirup...155.65
3,5-DIACETAMIDO-2,4,6-TRIIODOBENZOIC ACID...403.50
DIALS...720.40-44
DIAMINOSTILBENEDISULFONIC ACID...403.60
DIAMMONIUM PHOSPHATE...417.34; 480.80

References to tariff schedules

DIAMONDS—
  articles of, nspf........520.51
  cut but not set........520.32-33
  industrial, natural or synthetic........520.19-31
  in natural state........520.11
DIARIES........256.56
DIATOMITE........522.11
DIAZO COMPONENTS, azoic........406.80
DIBENZOFURAN........401.32
DIBENZOPHYRROLE (see CARBAZOLE)
DIBROMOTYROSINE........407.85; 425.04
DIBUTYL PHTHALATE........405.40
DICALCIUM PHOSPHATE........418.28
DICE........734.15
DICHLOROBENZENE, except para........403.60
p-DICHLOROBENZENE........405.15
DICHLOROMETHANE........429.32
2,3-DICHLORO-1,4-NAPHTHOQUINONE........403.50
(2,4-DICHLOROPHENOXY) ACETIC ACID (2,4-D)........405.15
DICTATION RECORDING AND TRANSCRIBING MACHINES........685.40
DICYANDIAMIDE........425.39
DIDYMIUM COMPOUNDS........423.00
DIELECTRIC HEATING EQUIPMENT........683.95
DIES—
  extrusion for metal........649.48
  for wire drawing........649.48
DIETHANOLAMINE........425.12
DIETHYLDIPHENYLUREA........403.60
DIETHYLAMINE........425.20
DIETHYLAMINOACETOXYLIDIDE........407.35
m-DIETHYLAMINOPHENOL........403.48
DIETHYLBARBITURIC ACID and its compounds........437.38
N,N-DIETHYL-p-PHENYLENEDIAMINE........405.20
DIETHYL PHTHALATE........405.40
DIETHYL SULFATE........428.54
DIFFRACTION APPARATUS........708.78
DIGITALIN........439.50
DIGITALIS—
  Lanata........435.05-10
  Purpurea........435.45
DIGITOXIN........439.50
DIHYDROCODEINE........437.14
1,2-DIHYDRO-6-ETHOXY-2,2,4-TRIMETHYL-QUINOLINE........403.58
1,8-DIHYDROXY-4,5-DINITROANTHRA-QUINONE........403.48
DIHYDROXYPHENYLALANINE........407.85; 425.04
DIHYDROXYBENZOIC ACID........403.50
DIIODOTYROSINE........407.85; 425.04
DIISOBUTYL KETONE........427.64
DIISODECYL PHTHALATE........405.40
DIISOOCTYL PHTHALATE........405.40
DILL (spice)........161.31
2,4-DIMETHOXYANILINE........403.48
DIMETHYLAMINE........425.20
m-DIMETHYLAMINOPHENOL........403.50
DIMETHYL ANILINE........403.50-60
DIMETHYLHYDRAZINE........425.52
DIMETHYLNAPHTHALENES........401.34
DIMETHYLPHENOL........401.76; 403.46
DIMENTHYLPYRIDINE........401.46
DIMETHYL SULFATE........428.54
DIMETHYLUREA........425.22
DINNERWARE (see TABLEWARE)
DIPENTAERYTHRITOL........428.32
DIPHENYLENE OXIDE........401.32
DIPHENYLHYDANTOIN........407.50
DIPHENYL OXIDE........408.15
DIPHENYLSULFONE........403.48; 407.85
DIP, sheep........493.75
DIPOTASSIUM PHOSPHATE........420.36
DIPROPYLAMINE........425.20
DIPYRONE........407.85
DISC CALCULATORS........710.60-61
  fuse, mica........516.73
DISCHARGE LAMPS, electric........687.10
DISCHARGERS, ash, mechanical........661.25
DISHES (see TABLEWARE)
DISH WASHING MACHINES........662.20
DISKS—
  abrasive........519.51
  of cork........220.48-49
DISODIUM PHOSPHATE........421.16-18
DISPENSERS, salt, pepper, mustard, ketchup, etc., of rubber or plastics........772.03
DISPERSANTS (see SURFACE-ACTIVE AGENTS)
DISPERSING APPLIANCES, mechanical, for liquids or powders........662.35-51
DISTILLATE FUEL OIL........475.05-10
DISTILLATION APPARATUS, glass........547.53-55

References to tariff schedules

DISTILLED OR ESSENTIAL OILS........452.02-80
DISTILLING MACHINERY, plant, and laboratory equipment........661.70
DIVIDERS........710.80
DIVI-DIVI........470.20-23
DOCKS, floating........696.50
DOCUMENTS, public, issued by foreign governments or public international organizations........840.00
DODECENE........429.52
DODECYL ALCOHOL........490.73-75
  sulfated........465.45-50
DODECYL BENZENE........403.60
DOG EQUIPMENT........790.10
DOGS........100.01; 100.95
DOILIES—
  of rubber or plastics........772.35
  of textile materials........Sch 3 Pt 5C Hdnte 1
DOLL(S)........737.20
  carriages and strollers........732.40
  clothing........737.20
DOLOMITE, dead-burned........531.01-04
DOMINOES........734.15
DONKEYS........100.35
DOOR(S)—
  closers........646.95
  fittings and mountings, of base metal........647.01-10
  frames, of base metal........652.90-92
  viewers (eyes)........708.87
  of wood........206.30
DOPES........474.44
DORE........605.20
DOUBLE-BASSES........725.04
DOUBLING MACHINES........670.02-06
DOUCHE BAGS and fittings therefor, of rubber or plastics........772.42
DOUGLAS-FIR—
  Christmas trees........192.10
  lumber........202.15
DOWEL RODS AND PINS, wood........200.91-95
DOWNS........186.10-15
DRAFTING MACHINES........710.80
DRAINAGE TOOLS (hand tools)........648.51
DRAINS (urological), and parts........709.09
DRAPES—
  of rubber or plastics........772.35
  of textile materials........Sch 3 Pt 5C Hdnte 1
DRAWING(S)—
  architectural, engineering, industrial, or commercial........273.45-55
  ink........474.22
  for institutions........850.10; 851.10
  instruments........710.60-80
  paper........252.45; 254.35
  under bond........862.10; 864.30; 864.70
  works of art........765.03
DRESS—
  shields, of rubber or plastics........772.42
  studs........Sch 7 Pt 6A Hdnte 2(a); 740.05-38
DRESSING—
  gowns........Sch 3 Pt 6F
  machines for textile materials and articles........670.43
DRESSINGS, coated or impregnated with medicinals........495.05
DRILLING HAND TOOLS........651.27
DRILLING MACHINES........674.32
DRILLS, agricultural........666.00
DRINK—
  mixers, wooden........206.87
  preparing and manufacturing machinery, industrial....666.25
DROSS, metal-bearing........Sch 6 Pt 1 Hdnte 2(b)
DRUGS (see also MEDICINALS)—
  benzenoid........Sch 4 Pt 1C Hdnte 5; 407.20-90
  nonbenzenoid........Sch 4 Pt 3 Hdnte 2; 435.05-440.00
DRUMS—
  containers of base metal, used in packing, transporting, or marketing of goods........640.20-30
  musical instruments........725.32
DRY-CLEANING MACHINES........670.41
DRY ICE........423.00
DRYING MACHINERY—
  for bottles or other containers........662.20
  industrial, plant, and laboratory........661.70
  for textile materials and articles........670.43
DRY PLATES, photographic........723.25
  product of the United States exposed abroad........805.00
DUCK(S)—
  live........100.07-09
  meat........Sch 1 Pt 2A
DUFFLE BAGS........Sch 7 Pt 1D Hdnte 2(a)(i)
DUMORTIERITE, crude........523.81
DUPLICATING MACHINES........668.20

References to tariff schedules

- DUST—
  - bone 480.40
  - cloths 385.25-30
  - diamond 520.20; 520.28
  - flue .... Sch 6 Pt 1 Hdnte 2(b)
  - zinc 626.40
- DUSTERS, feather 750.35
- DUTIABLE ARTICLES, nspf 799.00
- DYE COMPONENTS, azoic 406.80
- DYED TEXTILE (definition) .... Sch 3 Hdnte 2(b)
- DYEING—
  - machines, for textile materials and articles 670.43
  - preparations, of vegetable origin 470.05-85
- DYES, benzenoid, natural and synthetic 406.02-80
- DYNAMITE 485.10
- DYSPROSIUM COMPOUNDS 423.00

E

- EAR-RINGS AND CLIPS .... Sch 7 Pt 6A Hdnte 2(a); 740.05-38
- EARTHENWARE, and articles of .... Sch 5 Pt 2 Hdnte 2(b)
- EARTH, Fuller's 521.51-54
- EARTHY OR MINERAL SUBSTANCES, nspf 523.91-94
- EASELS, enlarging, photographic 722.92
- EBONY LUMBER 202.35-37
- ECONOMIZERS 660.15
- EDGE-GLUED WOOD 202.53-54
- EDGINGS, textile .... Sch 3 Pt 4B Hdnte 1; 357.70
- EDIBLE GELATIN 455.16-20
- EDIBLE PREPARATIONS .... Sch 1, Pt 15B
  - containing butterfat and not retail-packaged 182.92
  - of gelatin 182.90
  - nspf 182.96-98
- EDITORS, film 722.52-56
- EELS (see also FISH) 110.15
- EFFECTS—
  - of groups or delegations of foreign residents arriving in the United States on goodwill visits 821.00
  - household, actually used abroad by persons arriving in the United States 810.10
  - of persons arriving who are not returning residents 812.10-40
  - of persons employed on a vessel, vehicle, or aircraft engaged in international traffic 814.00
  - of personnel (alien) of foreign governments and international organizations; and of distinguished foreign visitors .... Sch 8 Pt 2C
  - professional, or tools of trade—
    - of persons arriving, if taken abroad by them 810.20
    - of persons emigrating to the United States 811.10
    - under bond, by nonresidents 864.50
  - of returning residents—
    - acquired abroad by them 813.15-40
    - taken abroad by them 813.10
  - of United States citizens who died abroad 815.00
  - of United States Government personnel and persons evacuated to the United States .... Sch 8 Pt 2B
- EGGPLANT (see also VEGETABLES) 136.10-23
- EGGS—
  - fish roe 113.30-40
  - fish (except roe) 190.40
  - insect 190.40
  - poultry and other birds—
    - in the shell 119.50-60
    - not in the shell 119.65-70
  - wild bird, importation prohibited .... Sch 1 Pt 4E Hdnte 1
- ELASTIC .... Sch 3 Pt 4A Hdnte 2(b)
  - braids 349.10; 349.30
  - cordage and yarns 349.10
  - fabrics, not braided 349.15-25
- ELASTOMERS 446.15
- ELECTRIC(AL) (see also MACHINES)
  - alarms, burglar and fire 685.70-71
  - amplifiers, audio-frequency 684.70
  - apparatus for making, breaking, protecting electrical circuits 685.90-91
  - appliances, kitchen and household, portable 684.20
  - articles, nspf 688.40-41
  - bells 685.70-71
  - brazing machines and apparatus 683.95
  - capacitors, fixed or variable 685.80-81
  - conductors—
    - insulated, with or without fittings 688.04-16
    - uninsulated 688.20-25
  - conduits, and fittings therefor 688.30-35
  - converters, rotary or static 682.60
  - cutting machines and apparatus 683.95
  - flashlights 683.70
  - flatirons 684.10-15
  - floor polishers 683.30

References to tariff schedules

  - food grinders and mixers, fruit juice extractors 683.32
  - furnaces and ovens, industrial and laboratory 683.95
  - generators 682.60
  - hair-clippers 683.40
  - hair-dressing appliances 684.20; 684.50
  - heaters, immersion or water; and heating apparatus, soil or space 684.20; 684.40-41
  - heating equipment, induction and dielectric 683.95
  - ignition and starting equipment for internal combustion engines 683.60-66
  - indicator panels 685.70-71
  - inductors 682.60
  - insulators—
    - ceramic 535.11-15
    - glass 547.41-43
    - rubber or plastics 773.30-31
  - lamps—
    - discharge 687.10
    - filament 686.30-90
    - luminescent 687.30
    - portable; with self-contained electrical source 683.70-80
  - lighting equipment for motor vehicles 683.65-66
  - measuring, checking, analyzing, or automatically-controlling apparatus .... Sch 7 Pt 2D Hdnte 2; 712.05-51
  - motors 682.20-55
  - motor-generators 682.60
  - parts, nspf 688.40-41
  - porcelain 535.11-14
  - rectifiers and rectifying apparatus 682.60
  - refrigerators and refrigerating equipment 661.35
  - resistors—
    - heating 684.50
    - other, fixed or variable, including potentiometers 686.10
  - scissors 683.50
  - shavers 683.50
  - signalling apparatus, and sound or visual 685.70-71
  - sirens 685.70-71
  - soldering machines and apparatus 683.95
  - telephone and telegraph apparatus 684.62-64
  - tools, hand 683.20
  - transformers 682.05-07
  - vacuum cleaners 683.30
  - ware, ceramic 535.11-15
  - welding machines and apparatus 683.90
- ELECTRICITY, not subject to provisions of tariff schedules .... Gen Hdnte 5(c)
- ELECTRICITY SUPPLY OR PRODUCTION METERS 713.05-15
- ELECTRODES—
  - base metal or metal carbide, coated or cored with flux, for soldering, etc 653.15
  - in part of carbon or graphite, for electric furnace or electrolytic purposes 517.61-74
- ELECTRO-MAGNETS 682.90
- ELECTRO-MAGNETIC—
  - clutches, coupling, brakes, and lifting heads 682.90-91
  - work holders 682.80
- ELECTRO-MECHANICAL APPLIANCES, non-industrial, with self-contained electric motors 683.30-32
- ELECTRO-MEDICAL APPARATUS 709.15-17
- ELECTRON microscopes and diffraction apparatus 708.78
- ELECTRONIC—
  - crystal components 687.60-61
  - musical instruments .... Sch 7 Pt 3A Hdnte 2(c); 725.46-47
  - stroboscopic flash apparatus, photographic 722.72
  - tubes—
    - X-ray 709.61
    - other 687.35-61
- ELECTRO-PLATING ANODES—
  - of nickel 620.50
  - of zinc 653.25
- ELECTROTYPE PLATES 668.38
- ELEMENTS—
  - chemical (see also METALS) 415.05-50
  - electrical, ceramic 535.14
  - optical 708.01-29
    - blanks 540.63-67
  - radioactive 494.50
- ELEVATORS 664.10-11
  - liquid (bucket, chain, screw, band, and similar types) 660.94
- ELM LUMBER 202.42
- EMBLEMS and insignia—
  - jewelry .... Sch 7 Pt 6A Hdnte 2(a); 740.05-38
  - for institutions (regalia) .... Sch 8 Pt 4 Hdnte 2; 850.40; 851.30
  - textile (see MOTIFS)
- EMBOSSING and stamping materials, mounted on paper, etc 644.95
- EMBROIDERED (see ORNAMENTED)

References to tariff schedules

- EMBROIDERY—
  - machines.....670.27
  - ornamented fabrics.....Sch 3 Hdnte 3(a)(i)(A); 353.50
  - stilettos.....651.04
- EMERALDS—
  - articles of, nspf.....520.51
  - cut but not set.....520.38
  - in natural state.....520.11
- EMERY—
  - crude.....519.17
  - in grains, ground, pulverized, or refined.....519.37
- EMULSIFIERS (see SURFACE-ACTIVE AGENTS)
- EMULSION, sheets or strips, photo-sensitive, but not exposed.....723.20
- ENAMEL(S)—
  - of glass, frit, or calcine.....540.21-27
  - paints.....Sch 4 Pt 9C Hdnte 2; 474.30-35
- END-GLUED WOOD.....202.53-54
- ENDIVE (see also VEGETABLES).....136.10
- ENEMA BAGS and fittings therefor, of rubber or plastics.....772.42
- ENFLEURAGE GREASES.....460.05
- ENGINES—
  - fire.....692.14
  - internal combustion.....660.40-55
  - non-electric.....660.75-86
  - steam and other vapor power units.....660.25-35
  - water.....660.65-70
- ENGLISH HORNS.....Sch 7 Pt 3A Hdnte 2(b); 725.24
- ENGRAVINGS—
  - engraved and printed by hand.....765.10
  - imported under bond.....862.10; 864.70
  - for institutions.....850.10; 851.10
  - for U.S. Government.....830.00
  - nspf.....274.50; 274.70
- ENLARGERS, photographic.....722.10; 722.18
- ENLARGING EASELS, photographic.....722.92
- ENVELOPES—
  - glass, including bulbs and tubes, for electric lamps, vacuum tubes, or other electrical devices.....547.31-37
  - government stamped.....274.40
  - paper.....256.40-44
- ENZYMES.....437.46-49
- EPICHLOROHYDRIN.....428.82
- EPOXIDES, including halogenated epoxides.....428.80-88
- EPOXY RESINS.....405.25
- EPSOM SALTS.....419.34
- ERBIUM COMPOUNDS.....423.00
- ERGONOVINE TARTRATE.....437.22
- ERGOT.....435.50
- ERGOTAMINE COMPOUNDS.....437.12
- ERYTHRITYL TETRANITRATE.....439.50
- ESSENCE(S)—
  - coffee.....160.20-21
  - floral.....460.05
  - fruit.....450.10-50
- ESSENTIAL OILS.....452.02-80
- ESTER(S)—
  - dibasic-acid, sulfonated or sulfated.....465.90
  - fatty acid of animal or vegetable origin
    - of monohydric alcohols—
      - sulfonated or sulfated.....465.55-60
      - not sulfonated or sulfated.....490.90-94
    - of polyhydric alcohols—
      - sulfonated or sulfated.....465.55-60
      - not sulfonated or sulfated.....465.05-10
  - fruit.....450.10-50
  - monohydric alcohol (see also ESTERS, fatty acid).....428.50-72
  - polyhydric alcohol (see also ESTERS, fatty acid)... 428.30-46
- ETCHINGS—
  - etched and printed by hand.....765.10
  - imported under bond.....862.10; 864.70
  - for institutions.....850.10; 851.10
  - nspf.....274.50; 274.70
  - for U.S. Government.....830.00
- ETHANE.....475.15
- ETHANESULFONIC ACID.....425.98
- ETHANOLAMINES.....425.12
- ETHER-ESTERS, polyhydric alcohol.....428.30-46; 465.05-10
- ETHER(S)—
  - dibasic-acid, sulfonated or sulfated.....465.90
  - fatty acid of animal or vegetable origin
    - not sulfonated or sulfated.....428.90-96; 465.05-10
    - sulfonated or sulfated.....465.55-60
  - monohydric alcohol.....428.90-96
  - polyhydric alcohol.....428.30-46; 465.05-10
- ETHNOGRAPHIC OBJECTS.....766.20
- ETHOXYQUIN.....403.58
- ETHYL—
  - acetate.....428.58
  - acrylate.....428.62
  - alcohol—
    - for beverage purposes.....168.34
    - non-beverage.....427.88
  - amines.....425.20
  - benzene.....403.60
  - bromide.....429.48
  - cellulose.....493.18
  - chloride.....429.26
  - ether.....428.90
  - lactate.....428.72
  - methacrylate.....428.64
  - methyl ketone.....427.62
  - morphine.....437.14
  - urea.....425.22
- 3-ETHYLAMINO-P-CRESOL.....403.48
- ETHYLENE.....429.50
  - chlorohydrin.....428.22
  - dibromide.....429.28
  - dichloride.....429.20
  - glycol.....428.34
  - oxide.....428.84
- ETHYLENEDIAMINE and compounds.....425.14
- ETHYLENE DICHLORIDE.....429.20
- ETHYLHYDROCUPREINE.....437.50
- 5-ETHYL-5-PHENYLHEXAHYDROPYRIMIDINE-4, 6-DIONE.....407.40
- ETHYLUREA.....425.22
- EUCALYPTUS—
  - tanning preparations.....470.20; 470.25
  - lumber.....202.42
  - oil.....452.24
- EULACHON OIL.....177.20
- EUROPIUM COMPOUNDS.....423.00
- EVAPORATING MACHINERY, industrial, plant, and laboratory equipment.....661.65-70
- EXCAVATORS and excavating machinery, for earth, minerals, or ores.....664.05
- EXCELSIOR, wood.....200.25
- EXHIBITION ARTICLES—
  - exported for exhibition and return to the United States.....802.10-30
  - imported under bond.....862.10; 864.60-75
  - for institutions.....851.50; 852.20
  - property of foreign governments or of public international organizations for non-commercial exhibitions.....842.10
- EXPANDED METAL, of base metal.....652.80
- EXPANDED RUBBER OR PLASTICS.....770.30-80
- EXPANSION METERS.....711.86-88
- EXPLOSIVES—
  - benzenoid.....405.04-06
  - nonbenzenoid.....485.10-50
- EXPRESSED OR EXTRACTED VEGETABLE OILS, crude or refined.....176.01-90
- EXTINGUISHERS, fire.....662.50
- EXTRACTING MACHINERY, for earth, minerals, or ores.....664.05
- EXTRACTORS, juice, non-industrial—
  - with self-contained electric motors.....683.32
  - not powered by electricity.....649.57
- EXTRACT(S)—
  - coffee.....160.20-21
  - dyeing and tanning.....470.05-85
  - flavoring.....450.10-50
  - hop.....192.30
  - licorice.....192.45
  - malt.....132.25-30
  - meat.....107.80
  - yeast, for flavoring or seasoning food.....182.40
- EXTRUDING MACHINES, for man-made textile filaments.....670.00
- EXTRUSION DIES FOR METAL.....649.48
- EYEGLASSES.....708.43-47
- EYES—
  - artificial, other than prosthetic.....790.00
  - prosthetic articles.....709.57
  - screw.....646.72; 646.78
  - seed-potato.....125.67

F

- FABRIC—
  - folding, reeling, or cutting machines.....Sch 6 Pt 4E; 670.50
  - -making machines.....670.14-35
- FABRICS—
  - of textile materials—
    - belting for machinery.....358.02-16
    - braids.....Sch 3 Hdnte 2(f); 348.00-05; 349.10; 349.30; 703.80-95

References to tariff schedules

- FABRICS—Continued
  - burnt-out lace.......Sch 3 Hdnte 2(g); 353.10
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  - quaternary ammonium 465.15-20
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  - other 490.32; 490.44-50
- **SAMPLES**—
  - for soliciting orders 860.10-30
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  - wool fabric 385.20
- **SAND**—
  - -blasting machines 662.40
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  - ilmenite 601.51
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- **SANDALS** .... Sch 7 Pt 1A Hdnte 1
- **SANDLEWOOD OIL** 452.64
- **SANITARY**—
  - belts, of rubber or plastics 772.42
  - wares—
    - base metal 653.65; 654.20
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- **SANTONIN** and its salts 437.66
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- **SARRUSOPHONES** .... Sch 7 Pt 3A Hdnte 2(b); 725.24
- **SATCHELS** .... Sch 7 Pt 1D Hdnte 2(a)(i)
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    basic, for metals and their alloys (see also name of specific shape, i.e., BARS, PLATES, SHEETS, STRIPS, RODS, WIRE, SECTIONS, etc.)....Sch 6 Pt 2 Hdnte 3
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        with a light-reflecting surface....790.50
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SUBTITLE II—SPECIAL PROVISIONS

PART I—MISCELLANEOUS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 1401 of this title.

§ 1301. Repealed. Apr. 30, 1946, ch. 244, title V, § 511(1), 60 Stat. 158, eff. May 1, 1946

Section, act June 17, 1930, ch. 497, title III, § 301, 46 Stat. 685, related to duties and taxes on Philippine articles coming to the United States and United States articles imported into the Philippine Islands. Subject matter is now covered by Philippine Trade Act of 1946 (see Short Title note set out under section 1251 of Title 22, Foreign Relations and Intercourse).

§ 1301a. Repealed. Pub. L. 87-456, title III, § 301(a), May 24, 1962, 76 Stat. 75

Section, act June 17, 1930, ch. 497, title III, § 301, as added Sept. 1, 1954, ch. 1213, title IV, § 401, 68 Stat. 1139, related to rates of duty upon articles coming into the United States from its insular possessions. See Revised Tariff Schedules set out in section 1202 of this title.

§ 1302. Omitted

CODIFICATION

Section, acts June 17, 1930, ch. 497, title III, § 302, 46 Stat. 686; May 17, 1932, ch. 190, 47 Stat. 158, was incorporated as section 3361(b) of the Internal Revenue Code of 1939, and is now covered by section 7653 of Title 26, Internal Revenue Code.

§ 1303. Countervailing duties

(a) Levy of countervailing duties

(1) Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation, shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, then upon the importation of such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to any duties otherwise imposed, a duty equal to the net amount of such bounty or grant, however the same be paid or bestowed.

(2) In the case of any imported article or merchandise which is free of duty, duties may be imposed under this section only if there is an affirmative determination by the Commission under subsection (b)(1) of this section; except that such a determination shall not be required unless a determination of injury is required by the international obligations of the United States.

(3) In the case of any imported article or merchandise as to which the Secretary of the Treasury (hereafter in this section referred to as the "Secretary") has not determined whether or not any bounty or grant is being paid or bestowed—

(A) upon the filing of a petition by any person setting forth his belief that a bounty or grant is being paid or bestowed, and the reasons therefor, or

(B) whenever the Secretary concludes, from information presented to him or to any person to whom authority under this section has been delegated, that a formal investigation is warranted into the question of whether a bounty or grant is being paid or bestowed,

the Secretary shall initiate a formal investigation to determine whether or not any bounty or grant is being paid or bestowed and shall publish in the Federal Register notice of the initiation of such investigation.

(4) Within six months from the date on which a petition is filed under paragraph (3)(A) or on which notice is published of an investigation initiated under paragraph (3)(B), the Secretary shall make a preliminary determination, and within twelve months from such date shall make a final determination, as to whether or not any bounty or grant is being paid or bestowed.

(5) The Secretary shall from time to time ascertain and determine, or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated.

(6) The Secretary shall make all regulations he deems necessary for the identification of articles and merchandise subject to duties under this section and for the assessment and collection of such duties. All determinations by the Secretary under this section, and all determinations by the Commission under subsection (b)(1) of this section (whether affirmative or negative) shall be published in the Federal Register.

(b) Injury determination with respect to duty-free merchandise; suspension of liquidation

(1) Whenever the Secretary makes a final determination under subsection (a) of this section that a bounty or grant is being paid or bestowed with respect to any article or merchandise which is free of duty and a determination by the Commission is required under subsection (a)(2) of this section, he shall—

(A) so advise the Commission, and the Commission shall determine within three months thereafter, and after such investigation as it deems necessary, whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such article or merchandise into the United States; and the Commission shall notify the Secretary of its determination; and

(B) require, under such regulations as he may prescribe, the suspension of liquidation as to such article or merchandise entered, or withdrawn from warehouse, for consumption on or after the date of the publication in the Federal Register of his final determination under subsection (a) of this section, and such suspension of liquidation shall continue until the further order of the Secretary or until he has made public an order as provided for in paragraph (3).

(2) For the purposes of this subsection, the Commission shall be deemed to have made an affirmative determination if the commissioners voting are evenly divided as to whether its determination should be in the affirmative or in the negative.

(3) If the determination of the Commission under paragraph (1)(A) is in the affirmative, the Secretary shall make public an order directing the assessment and collection of duties in the amount of such bounty or grant as is from time to time ascertained and determined, or estimated, under subsection (a) of this section.

(c) Application of affirmative determinations

An affirmative final determination by the Secretary under subsection (a) of this section with respect to any imported article or merchandise shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the publication in the Federal Register of such determination. In the case of any imported article or merchandise which is free of duty, so long as a finding of injury is required by the international obligations of the United States, the preceding sentence shall apply only if the Commission makes an affirmative determination of injury under subsection (b)(1) of this section.

(d) Temporary provision while negotiations are in progress

(1) It is the sense of the Congress that the President, to the extent practicable and consistent with United States interests, seek through negotiations the establishment of internationally agreed rules and procedures governing the use of subsidies (and other export incentives) and the application of countervailing duties.

(2) If, after seeking information and advice from such agencies as he may deem appropriate, the Secretary of the Treasury determines, at any time during the four-year period beginning on January 3, 1975, that—

(A) adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(B) there is a reasonable prospect that, under section 2112 of this title, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(C) the imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations;

the imposition of the additional duty under this section with respect to such article or merchandise shall not be required during the remainder of such four-year period. This paragraph shall not apply with respect to any case involving non-rubber footwear pending on January 3, 1975, until and unless agreements which temporize imports of non-rubber footwear become effective.

(3) The determination of the Secretary under paragraph (2) may be revoked by him, in his discretion, at any time, and any determination made under such paragraph shall be revoked whenever the basis supporting such determination no longer exists. The additional duty provided under this section shall apply with respect to any affected articles or merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of any revocation under this subsection in the Federal Register.

(e) Reports to Congress

(1) Whenever the Secretary makes a determination under subsection (d)(2) of this section

with respect to any article or merchandise, he shall promptly transmit to the House of Representatives and the Senate a document setting forth the determination, together with his reasons therefor.

(2) If, at any time after the document referred to in paragraph (1) is delivered to the House of Representatives and the Senate, either the House or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval under the procedures set forth in section 2192 of this title, then such determination under subsection (d)(2) of this section with respect to such article or merchandise shall have no force or effect beginning with the day after the date of the adoption of such resolution of disapproval, and the additional duty provided under this section with respect to such article or merchandise shall apply with respect to articles or merchandise entered, or withdrawn from warehouse, for consumption on or after such day.

(June 17, 1930, ch. 497, title III, § 303, 46 Stat. 687; Jan. 3, 1975, Pub. L. 93-618, title III, § 331(a), 88 Stat. 2049.)

Prior Provisions

Provisions similar to those of this section were contained in act Oct. 3, 1913, ch. 16, § IV, E, 38 Stat. 193, superseding similar provisions of previous tariff acts. That subdivision was superseded by act Sept. 21, 1922, ch. 356, title III, § 303, 42 Stat. 935, and was repealed by section 321 of that act. Section 303 of act Sept. 21, 1922, was supeseded by section 303 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

Amendments

1975—Subsec. (a). Pub. L. 93-618 designated existing provisions as par. (1), added pars. (2) to (6), and in par. (1) as so designated, struck out "and such article or merchandise is dutiable under the provisions of this chapter," preceding "then upon the importation of any such article or merchandise" and struck out provisions directing the Secretary of the Treasury to ascertain, determine, or estimate, from time to time, the net amount of bounties or grants, declare the net amount so determined or estimated, and make all regulations he deems necessary for the identification of the articles and merchandise and for the assessment and collection of the additional duties.

Subsecs. (b) to (e). Pub. L. 93-618 added subsecs. (b) to (e).

Effective Date of 1975 Amendment

Section 331(d) of Pub. L. 93-618 provided that:

"(1) The amendments made by this section [amending this section and sections 1315 and 1516 of this title] shall take effect on the date of the enactment of this Act [Jan. 3, 1975].

"(2) For purposes of applying the provisions of section 303(a)(4) of the Tariff Act of 1930 [subsec. (a)(4) of this section] (as amended by subsection (a)) [as amended by section 331(a) of Pub. L. 93-618] with respect to any investigation which was initiated before the date of the enactment of this Act [Jan. 3, 1975] under section 303 of such Act [this section] (as in effect before such date), such investigation shall be treated as having been initiated on the day after such date of enactment under section 303(a)(3)(B) of such Act [subsec. (a)(3)(B) of this section].

"(3) Any article which is entered or withdrawn from warehouse free of duty as a result of action taken under title V of this Act [subchapter V of chapter 12 of this title] shall be considered a nondutiable article for purposes of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) [this section]."

Section Referred to in Other Sections

This section is referred to in sections 162, 163, 1315, 1337, 1516, 2192, 2194, 2251, 2411 of this title; title 28 section 2632.

§ 1304. Marking of imported articles and containers

(a) Marking of articles

Except as hereinafter provided, every article of foreign origin (or its container, as provided in subsection (b) hereof) imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. The Secretary of the Treasury may by regulations—

(1) Determine the character of words and phrases or abbreviations thereof which shall be acceptable as indicating the country of origin and prescribe any reasonable method of marking, whether by printing, stenciling, stamping, branding, labeling, or by any other reasonable method, and a conspicuous place on the article (or container) where the marking shall appear;

(2) Require the addition of any other words or symbols which may be appropriate to prevent deception or mistake as to the origin of the article or as to the origin of any other article with which such imported article is usually combined subsequent to importation but before delivery to an ultimate purchaser; and

(3) Authorize the exception of any article from the requirements of marking if—

(A) Such article is incapable of being marked;

(B) Such article cannot be marked prior to shipment to the United States without injury;

(C) Such article cannot be marked prior to shipment to the United States, except at an expense economically prohibitive of its importation;

(D) The marking of a container of such article will reasonably indicate the origin of such article;

(E) Such article is a crude substance;

(F) Such article is imported for use by the importer and not intended for sale in its imported or any other form;

(G) Such article is to be processed in the United States by the importer or for his account otherwise than for the purpose of concealing the origin of such article and in such manner that any mark contemplated by this section would necessarily be obliterated, destroyed, or permanently concealed;

(H) An ultimate purchaser, by reason of the character of such article or by reason of the circumstances of its importation, must necessarily know the country of origin of such article even though it is not marked to indicate its origin;

(I) Such article was produced more than twenty years prior to its importation into the United States;

(J) Such article is of a class or kind with respect to which the Secretary of the Treasury has given notice by publication in the weekly Treasury Decisions within two years after July 1, 1937, that articles of such class or kind were imported in substantial quantities during the five-year period immediately preceding January 1, 1937, and were not required during such period to be marked to indicate their origin: *Provided,* That this subdivision shall not apply after September 1, 1938, to sawed lumber and timbers, telephone, trolley, electric-light, and telegraph poles of wood, and bundles of shingles; but the President is authorized to suspend the effectiveness of this proviso if he finds such action required to carry out any trade agreement entered into under the authority of sections 1351, 1352, 1353, 1354 of this title, as extended; or

(K) Such article cannot be marked after importation except at any expense which is economically prohibitive, and the failure to mark the article before importation was not due to any purpose of the importer, producer, seller, or shipper to avoid compliance with this section.

(b) Marking of containers

Whenever an article is excepted under subdivision (3) of subsection (a) of this section from the requirements of marking, the immediate container, if any, of such article, or such other container or containers of such article as may be prescribed by the Secretary of the Treasury, shall be marked in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of such article, subject to all provisions of this section, including the same exceptions as are applicable to articles under subdivision (3) of subsection (a) of this section. If articles are excepted from marking requirements under clause (F), (G), or (H) of subdivision (3) of subsection (a) of this section, their usual containers shall not be subject to the marking requirements of this section. Usual containers in use as such at the time of importation shall in no case be required to be marked to show the country of their own origin.

(c) Additional duties for failure to mark

If at the time of importation any article (or its container, as provided in subsection (b) of this section) is not marked in accordance with the requirements of this section, and if such article is not exported or destroyed or the article (or its container, as provided in subsection (b) of this section) marked after importation in accordance with the requirements of this section (such exportation, destruction, or marking to be accomplished under customs supervision prior to the liquidation of the entry covering the article, and to be allowed whether or not the article has remained in continuous customs custody), there shall be levied, collected, and paid upon such article a duty of 10 per centum ad valorem, which shall be deemed to have accrued at the time of importation, shall not be construed to be penal, and shall not be remitted wholly or in part nor shall payment thereof be avoidable for any cause. Such duty shall be levied, collected, and paid in addition to any other duty imposed by law and whether or not the article is exempt from the payment of ordinary customs duties. The compensation and expenses of customs officers and employees assigned to supervise the exportation, destruction, or marking to exempt articles from the application of the duty provided for in this subsection shall be reimbursed to the Government by the importer.

(d) Delivery withheld until marked

No imported article held in customs custody for inspection, examination, or appraisement shall be delivered until such article and every other article of the importation (or their containers), whether or not released from customs custody, shall have been marked in accordance with the requirements of this section or until the amount of duty estimated to be payable under subsection (c) of this section has been deposited. Nothing in this section shall be construed as excepting any article (or its container) from the particular requirements of marking provided for in any other provision of law.

(e) Penalties

If any person shall, with intent to conceal the information given thereby or contained therein, deface, destroy, remove, alter, cover, obscure, or obliterate any mark required under the provisions of this chapter, he shall, upon conviction, be fined not more than $5,000 or imprisoned not more than one year, or both.

(June 17, 1930, ch. 497, title III, § 304, 46 Stat. 687; June 25, 1938, ch. 679, § 3, 52 Stat. 1077; Aug. 8, 1953, ch. 397, § 4(c), 67 Stat. 509.)

PRIOR PROVISIONS

Provisions dealing with the subject matter of this section and former section 133 of this title were contained in act Oct. 3, 1913, ch. 16, § IV, F, subsecs. 1 and 2, 38 Stat. 194, superseding similar provisions of previous tariff acts. Those subsections were superseded by act Sept. 21, 1922, ch. 356, title III, § 304(a), 42 Stat. 947, and were repealed by § 321 of that act. Section 304(a) of the act of 1922 was superseded by section 304 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

AMENDMENTS

1953—Subsec. (a)(3)(I). Act Aug. 8, 1953, struck out "or" following the semicolon.

Subsec. (a)(3)(J). Act Aug. 8, 1953, struck out the period at the end thereof and in lieu thereof inserted a semicolon followed by "or".

Subsec. (a)(3)(K). Act Aug. 8, 1953 added subsec. (a)(3)(K).

1938—Act June 25, 1938, amended section generally.

EFFECTIVE DATE OF 1953 AMENDMENTS, ENACTMENTS, AND REPEALS

Section 1 of act Aug. 8, 1953, provided in part that such act [see Short Title note below] should be effective, except as otherwise specifically provided for, on and after the thirtieth day following the date of its enactment (August 8, 1953).

The exception "except as otherwise specifically provided for" apparently refers to the amendments made to the provisions preceding subd. (1) of section 1308 of this title, and to section 1557(b) of this title, for which separate effective dates were provided as explained in notes under such sections.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

SHORT TITLE

Section 1 of act Aug. 8, 1953, provided in part that the amendments to section 268 of this title [repealed], pars. 28, 354, 357-361, 391, 393, 783, 812 and 1553 of section 1001 of this title [repealed], pars. 1607, 1615(f), 1747, 1798 and 1809 of section 1201 of this title [repealed], sections 1304(a)(3), 1308, 1309(a), (b), 1313(b), (c), (h), (i), 1315, 1317(b), 1321, 1431, 1439, 1440, 1482(a), 1484(a), (b), (f), 1486, 1487, 1489, 1498(a), 1501(a), 1503, 1508, 1520(c)(1), (2), 1523, 1557(b) and 1562 of this title, the enactment of sections 1322 and 1646a of this title, the repeal of par. 1808 of section 1201 of this title, and the repeal of sections 33-35, 39, 42-45, 273, 274, 472-475, 1320 and 1503a of this title, should be popularly known as the "Customs Simplification Act of 1953"

SAVING CLAUSE

Section 23 of act Aug. 8, 1953, provided: "Except as may be otherwise provided for in this Act [see Short Title note above], the repeal of existing law or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal case prior to such repeal or modification, but all liabilities under such laws shall continue, except as otherwise specifically provided in this Act, and may be enforced in the same manner as if such repeal or modification had not been made."

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers and employees, referred to in text, are under the Department of the Treasury.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1558 of this title.

§ 1305. Immoral articles; importation prohibited

(a) Prohibition of importation

All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral, or any drug or medicine or any article whatever for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the appropriate customs officer that the obscene or other prohibited articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture as hereinafter provided: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: *Provided further*, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.

Upon the appearance of any such book or matter at any customs office, the same shall be seized and held by the appropriate customs officer to await the judgment of the district court as hereinafter provided; and no protest shall be taken to the United States Customs Court from the decision of such customs officer. Upon the seizure of such book or matter such customs officer shall transmit information thereof to the United States attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized. Upon the adjudication that such book or matter thus seized is of the character the entry of which is by this section prohibited, it shall be ordered destroyed and shall be destroyed. Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

In any such proceeding any party in interest may upon demand have the facts at issue determined by a jury and any party may have an appeal or the right of review as in the case of ordinary actions or suits.

(b) Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

(June 17, 1930, ch. 497, title III, § 305, 46 Stat. 688; June 25, 1948, ch. 645, § 21, 62 Stat. 862; June 25, 1948, ch. 646, § 1, 62 Stat. 869; June 2, 1970, Pub. L. 91-271, title III, § 301(a), 84 Stat. 287; Jan. 8, 1971, Pub. L. 91-662, § 1, 84 Stat. 1973.)

PRIOR PROVISIONS

Provisions in substantially the same language as those of this section were made by act Oct. 3, 1913, ch. 16, § IV, subsections 1, 2, and 3, 38 Stat. 194, superseding similar provisions of previous tariff acts. Those subsections were superseded by act Sept. 21, 1922, ch. 356, title III, § 305, 42 Stat. 937, and repealed by section 321 of that act. Section 305 of act Sept. 21, 1922, was superseded by section 305 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

AMENDMENTS

1971—Subsec. (a). Pub. L. 91-662 struck out "for the prevention of conception or" preceding "for causing unlawful abortion".

1970—Subsec. (a). Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector wherever appearing therein.

1948—Subsec. (b). Act June 25, 1948, eff. Sept. 1, 1948, eliminated subsec. (b) which related to penalties against government officers, and is now covered by section 552 of Title 18, Crimes and Criminal Procedure.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "district attorney". See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Note thereunder.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 91-662 effective Jan. 9, 1971, see section 7 of Pub. L. 91-662, set out as an Effective Date of 1971 Amendment note under section 552 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in text, are under the Department of the Treasury.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 614.

§ 1306. Cattle, sheep, swine, and meats; importation prohibited in certain cases

(a) Rinderpest and foot-and-mouth disease

If the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists in any foreign country, he shall officially notify the Secretary of the Treasury and give public notice thereof, and thereafter, and until the Secretary of Agriculture gives notice in a similar manner that such disease no longer exists in such foreign country, the importation into the United States of cattle, sheep, or other ruminants, or swine, or of fresh, chilled, or frozen meat of such animals, from such foreign country, is prohibited: *Provided,* That wild ruminants or swine may be imported from any such country upon such conditions, including post entry conditions, to be prescribed in import permits or in regulations, as the Secretary may impose for the purpose of preventing the dissemination of said diseases into or within the United States: *And provided further,* That the subsequent distribution, maintenance, and exhibition of such animals in the United States shall be limited to zoological parks approved by said Secretary as meeting such standards as he may by regulation prescribe for the purpose of preventing the dissemination of said diseases into or within the United States. The Secretary may at any time seize and dispose of any such animals which are not handled in accordance with the conditions imposed by him or which are distributed to or maintained or exhibited at any place in the United States which is not then an approved zoological park, in such manner as he deems necessary for said purpose.

(b) Repealed. Pub. L. 90-201, § 18, Dec. 15, 1967, 81 Stat. 600

(c) Regulations

The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section, and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all cattle, sheep, and other ruminants, and swine, and of all meats, offered for entry and refused admission into the United States, unless such cattle, sheep, ruminants, swine, or meats be exported by the consignee within the time fixed therefor in such rules and regulations.

(June 17, 1930, ch. 497, title III, § 306, 46 Stat. 689; Sept. 2, 1958, Pub. L. 85-867, 72 Stat. 1685; Dec. 15, 1967, Pub. L. 90-201, § 18, 81 Stat. 600.)

PRIOR PROVISIONS

Provisions concerning the importation of neat cattle and the hides of neat cattle were contained in act Oct. 3, 1913, ch. 16, § IV, H, subsections 1 and 2, 38 Stat. 195, superseding similar provisions of previous tariff acts. Those subsections were superseded by act Sept. 21, 1922, ch. 356, title III, § 306, 42 Stat. 937, and repealed by section 321 thereof. Section 306 of the 1922 act was superseded by section 306 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

AMENDMENTS

1967—Subsec. (b). Pub. L. 90-201 repealed subsec. (b) prohibiting importation of meats unfit for human food. See, now, section 620 of Title 21, Food and Drugs.

1958—Subsec. (a). Pub. L. 85-867 deleted "domestic" preceding "ruminants", substituted "meat of such animals" for "beef, veal, mutton, lamb, or pork", and added provisos prohibiting importation of wild ruminants or swine except under conditions preventing dissemination of livestock diseases and limiting distribution, maintenance and exhibition of such animals to approved zoological parks, and seizure and disposal provision.

Subsec. (c). Pub. L. 85-867 deleted "domestic" preceding "ruminants" in two instances.

EFFECTIVE DATE OF 1967 AMENDMENT

Repeal of subsec. (b) of this section effective upon expiration of sixty days after Dec. 15, 1967, see section 20(a) of Pub. L. 90-201, set out as an Effective Date note under section 601 of Title 21, Food and Drugs.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1540.

§ 1307. Convict-made goods; importation prohibited

All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January

1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor", as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

(June 17, 1930, ch. 497, title III, § 307, 46 Stat. 689.)

PRIOR PROVISIONS

Provisions in the same language as the provisions of this section were made by act Oct. 3, 1913, ch. 16, § IV, I, 38 Stat. 195, superseding similar provisions of previous tariff acts. That subdivision was superseded by act Sept. 21, 1922, ch. 356, title III, § 307, 42 Stat. 937, and was repealed by section 321 of that act. Section 307 of act Sept. 21, 1922, was superseded by section 307 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

§ 1308. Repealed. Pub. L. 87-456, title III, § 301(a), May 24, 1962, 76 Stat. 75

Section, acts June 17, 1930, ch. 497, title III, § 308, 46 Stat. 690; June 25, 1938, ch. 679, § 4, 52 Stat. 1079; Aug. 8, 1953, ch. 397, § 10(a)(1), (b) to (f), 67 Stat. 512; Aug. 28, 1954, ch. 1045, § 1, 68 Stat. 914; Aug. 28, 1957, Pub. L. 85-211, § 3, 71 Stat. 487; Apr. 16, 1958, Pub. L. 85-379, 72 Stat. 88; May 16, 1958, Pub. L. 85-414, § 1, 72 Stat. 118, prescribed articles for temporary free importation under bond for exportation. See Revised Tariff Schedules set out in section 1202 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 31, 1963, see section 501(a) of Pub. L. 87-456, set out as an Effective Date of Tariff Classification Act of 1962 note preceding section 1202 of this title.

§ 1309. Supplies for certain vessels and aircraft

(a) Exemption from customs duties and internal-revenue tax

(a) Articles of foreign or domestic origin may be withdrawn, under such regulations as the Secretary of the Treasury may prescribe, from any customs bonded warehouse, from continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone free of duty and internal-revenue tax, or from any internal-revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal-revenue tax—

(1) for supplies (not including equipment) of (A) vessels or aircraft operated by the United States, (B) vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, or between Hawaii and any other part of the United States, or between Alaska and any other part of the United States, or (C) aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions, or between Hawaii and any other part of the United States or between Alaska and any other part of the United States; or

(2) for supplies (including equipment) or repair of (A) vessels of war of any foreign nation, or (B) foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, or between Hawaii and any other part of the United States or between Alaska and any other part of the United States, where such trade by foreign vessels is permitted; or

(3) for supplies (including equipment), ground equipment, maintenance, or repair of aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, or between Hawaii and any other part of the United States or between Alaska and any other part of the United States, where trade by foreign aircraft is permitted. With respect to articles for ground equipment, the exemption hereunder shall apply only to duties and to taxes imposed upon or by reason of importation.

The provisions for free withdrawals made by this subsection shall not apply to petroleum products for vessels or aircraft in voyages or flights exclusively between Hawaii or Alaska and any airport or Pacific coast seaport of the United States.

(b) Drawback

Articles withdrawn from bonded warehouses, bonded manufacturing warehouses, continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone, and articles of domestic manufacture or production, laden as supplies upon any such vessel or aircraft of the United States or laden as supplies (including equipment) upon, or used in the maintenance or repair of, any such foreign vessel or aircraft, shall be considered to be exported within the meaning of the drawback provisions of this chapter.

(c) Articles removed in, or returned to, the United States

Any article exempted from duty or tax, or in respect of which drawback has been allowed, under this section or section 1317 of this title and thereafter removed in the United States from any vessel or aircraft, or otherwise returned to the United States, shall be treated as an importation from a foreign country.

(d) Reciprocal privileges

The privileges granted by this section and section 1317 of this title in respect of aircraft registered in a foreign country shall be allowed only if the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States. If the Secretary of Commerce shall advise the Secretary of the Treasury that he has found that a foreign country has discontinued, or will discontinue, the allowance of such privileges, the privileges granted by this section and such section 1317 shall not apply thereafter in respect of aircraft registered in that foreign country.

(June 17, 1930, ch. 497, title III, § 309, 46 Stat. 690; June 25, 1938, ch. 679, § 5(a), 52 Stat. 1080; July 22, 1941, ch. 314, § 3, 55 Stat. 602; Aug. 8, 1953, ch. 397, § 11(a), 67 Stat. 514; July 7, 1960, Pub. L. 86-606, § 5(a), 74 Stat. 361.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in act Oct. 3, 1913, ch. 16, § IV, K, 38 Stat. 197, which superseded a like provision made by an amendment of R.S. § 2982, by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 21, 36 Stat. 88. Section IV, K, of the act of 1913, and R.S. § 2982 were superseded by act Sept. 21, 1922, ch. 356, title III, § 309, 42 Stat. 938, and were respectively repealed by sections 321 and 642 thereof. Section 309 of the act of 1922 was superseded by section 309 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

AMENDMENTS

1960—Subsec. (a). Pub. L. 86-606 inserted ", or between Hawaii and any other part of the United States or between Alaska and any other part of the United States" following "possessions" wherever appearing, and made the provisions for free withdrawals inapplicable to petroleum products for vessels or aircraft in voyages or flights between Hawaii or Alaska and any airport or Pacific coast seaport of the United States.

1953—Subsec. (a). Act Aug. 8, 1953, extended the exemption from payment of duty and internal revenue tax theretofore available to supplies for certain vessels and aircraft withdrawn from bonded warehouses, bonded manufacturing warehouses, or continuous customs custody elsewhere to supplies withdrawn from foreign trade zones; accorded free entry for equipment withdrawn for foreign vessels; and enlarged the classes of vessels and aircraft theretofore covered to include all vessels and aircraft operated by the United States.

Subsec. (b). Act Aug. 8, 1953, made technical changes to conform with the changes made by such act in subsec. (a), including insertion of the reference "or from a foreign-trade zone,".

1941—Subsec. (a). Act July 22, 1941, inserted after the words "internal-revenue tax" the words "or from any internal-revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal-revenue tax".

1938—Act June 25, 1938, amended section generally and added subsecs. (c) and (d).

EFFECTIVE DATE OF 1960 AMENDMENT

Section 5(b) of Pub. L. 86-606 provided that: "The amendment made by this section [to subsec. (a) of this section] shall apply only with respect to articles withdrawn as provided in section 309(a) of the Tariff Act of 1930, as amended [subsec. (a) of this section], on or after the date of the enactment of this Act [July 7, 1960]."

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

CROSS REFERENCES

Sugar quota provisions, see section 1121 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 1121; title 26 sections 5003, 5055, 5214.

§ 1310. Free importation of merchandise recovered from sunken and abandoned vessels

Whenever any vessel laden with merchandise, in whole or in part subject to duty, has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised free from the payment of any duty thereupon, but under such regulations as the Secretary of the Treasury may prescribe.

(June 17, 1930, ch. 497, title III, § 310, 46 Stat. 690.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in act Oct. 3, 1913, ch. 16, § IV, L, 38 Stat. 197, superseding similar provisions of previous tariff acts. That section was superseded by act Sept. 21, 1922, ch. 356, title III, § 310, 42 Stat. 938, and was repealed by section 321 of that act. Section 310 of act Sept. 21, 1922, was superseded by section 310 of the Tariff Act of 1930, and was repealed by section 651(a)(1) of the 1930 act.

§ 1311. Bonded manufacturing warehouses

All articles manufactured in whole or in part of imported materials, or of materials subject to internal-revenue tax, and intended for exportation without being charged with duty, and without having an internal-revenue stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, in order to be so manufactured and exported, be made and manufactured in bonded warehouses similar to those known and designated in Treasury Regulations as bonded warehouses, class six: *Provided,* That the manufacturer of such articles shall first give satisfactory bonds for the faithful observance of all the provisions of law and of such regulations as shall be prescribed by the Secretary of the Treasury: *Provided further,* That the manufacture of distilled spirits from grain, starch, molasses, or sugar, including all dilutions or mixtures of them or either of them, shall not be permitted in such manufacturing warehouses.

Whenever goods manufactured in any bonded warehouse established under the provisions of the preceding paragraph shall be exported directly therefrom or shall be duly laden for transportation and immediate exportation under the supervision of the proper officer who shall be duly designated for that purpose, such goods shall be exempt from duty and from the requirements relating to revenue stamps.

No flour, manufactured in a bonded manufacturing warehouse from wheat imported after ninety days after June 17, 1930, shall be withdrawn from such warehouse for exportation without payment of a duty on such imported wheat equal to any reduction in duty which by treaty will apply in respect of such flour in the country to which it is to be exported.

Any materials used in the manufacture of such goods, and any packages, coverings, vessels, brands, and labels used in putting up the same may, under the regulations of the Secretary of the Treasury, be conveyed without the payment of revenue tax or duty into any bonded manufacturing warehouse, and imported goods may, under the aforesaid regulations, be transferred without the exaction of duty from any bonded warehouse into any bonded manufacturing warehouse; but this privilege shall not be held to apply to implements, machinery, or apparatus to be used in the construction or repair of any bonded manufacturing warehouse or for the prosecution of the business carried on therein.

Articles or materials received into such bonded manufacturing warehouse or articles manufactured therefrom may be withdrawn or removed therefrom for direct shipment and exportation or for transportation and immediate exportation in bond to foreign countries or to the Philippine Islands under the supervision of the officer duly designated therefor by the appropriate customs officer of the port, who shall certify to such shipment and exportation, or ladening for transportation, as the case may be, describing the articles by their mark or otherwise, the quantity, the date of exportation, and the name of the vessel: *Provided*, That the by-products incident to the processes of manufacture, including waste derived from cleaning rice in bonded warehouses under the Act of March 24, 1874, ch. 65, 18 Stat. 24, in said bonded warehouses may be withdrawn for domestic consumption on the payment of duty equal to the duty which would be assessed and collected by law if such waste or by-products were imported from a foreign country: *Provided*, That all waste material may be destroyed under Government supervision. All labor performed and services rendered under these provisions shall be under the supervision of a duly designated officer of the customs and at the expense of the manufacturer.

A careful account shall be kept by the appropriate customs officer of all merchandise delivered by him to any bonded manufacturing warehouse, and a sworn monthly return, verified by the customs officers in charge, shall be made by the manufacturer containing a detailed statement of all imported merchandise used by him in the manufacture of exported articles.

Before commencing business the proprietor of any manufacturing warehouse shall file with the Secretary of the Treasury a list of all the articles intended to be manufactured in such warehouse, and state the formula of manufacture and the names and quantities of the ingredients to be used therein.

Articles manufactured under these provisions may be withdrawn under such regulations as the Secretary of the Treasury may prescribe for transportation and delivery into any bonded warehouse at an exterior port for the sole purpose of immediate export therefrom: *Provided*, That cigars manufactured in whole of tobacco imported from any one country, made and manufactured in such bonded manufacturing warehouses, may be withdrawn for home consumption upon the payment of the duties on such tobacco in its condition as imported under such regulations as the Secretary of the Treasury may prescribe, and the payment of the internal-revenue tax accruing on such cigars in their condition as withdrawn, and the boxes or packages containing such cigars shall be stamped to indicate their character, origin of tobacco from which made, and place of manufacture.

The provisions of section 3433 of the Revised Statutes shall, so far as may be practicable, apply to any bonded manufacturing warehouse established under this chapter and to the merchandise conveyed therein.

Distilled spirits and wines which are rectified in bonded manufacturing warehouses, class six, and distilled spirits which are reduced in proof and bottled in such warehouses, shall be deemed to have been manufactured within the meaning of this section, and may be withdrawn as hereinbefore provided, and likewise for shipment in bond to Puerto Rico, subject to the provisions of this section, and under such regulations as the Secretary of the Treasury may prescribe, there to be withdrawn for consumption or be rewarehoused and subsequently withdrawn for consumption: *Provided*, That upon withdrawal in Puerto Rico for consumption, the duties imposed by the customs laws of the United States shall be collected on all imported merchandise (in its condition as imported) and imported containers used in the manufacture and putting up of such spirits and wines in such warehouses: *Provided further*, That no internal-revenue tax shall be imposed on distilled spirits and wines rectified in class six warehouses if such distilled spirits and wines are exported or shipped in accordance with the provisions of this section, and that no person rectifying distilled spirits or wines in such warehouses shall be subject by reason of such rectification to the payment of special tax as a rectifier.

(June 17, 1930, ch. 497, title III, § 311, 46 Stat. 691; June 26, 1936, ch. 830, title IV, § 404, 49 Stat. 1960; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

REFERENCES IN TEXT

Act March 24, 1874, referred to in the text, which provided that "importers' bonded warehouses, to be used for the storage and cleansing of imported rice intended for exportation to foreign countries, may be established at any port of entry in the United States, under such rules and regulations as the Secretary of the Treasury may prescribe", was repealed by act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

R.S. § 3433, referred to in the text, was amended by act Feb. 27, 1877, ch. 69, 19 Stat. 248. The provisions of R.S. § 3433 as they existed prior to the amendment by act Feb. 27, 1877, were reenacted as section 10 of act Oct. 1, 1890, ch. 1244, 26 Stat. 614. Section 55 of said act Oct. 1, 1890, repealed all laws and parts of laws inconsistent therewith. The provisions of said section 10 of act Oct. 1, 1890, were incorporated into the Internal Revenue Code of 1939, as subsections (a), (b), (c), and (d)(1) of section 3177, and are now covered by section 5521 of Title 26, Internal Revenue Code.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in act Oct. 3, 1913, ch. 16, § IV, M, 38 Stat. 197, which was superseded by act Sept. 21, 1922, ch. 356, title III, § 311, 42 Stat. 938, and repealed by section 321 thereof. Section 311 of the 1922 act was superseded by section 311 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

Section IV, M, of the act of 1913 superseded previous similar provisions of the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 23, 36 Stat. 88, which superseded those of the Dingley Tariff Act of July 24, 1897, ch. 11, § 15, 30 Stat. 207. Similar provisions were contained in the Wilson Tariff Act of Aug. 27, 1894, ch. 349, § 9, 28 Stat. 548.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector wherever appearing therein.

1936—Act June 26, 1936, added last paragraph.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in text, are under the Department of the Treasury.

CROSS REFERENCES

Section to apply to any foreign trade agreement to extent such agreement assures to United States preferential rate of duty on wheat flour, see section 1352 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1352 of this title; title 26 section 5523.

§ 1312. Bonded smelting and refining warehouses

(a) Bond; charges against bond

Any plant engaged in smelting or refining, or both, of metal-bearing materials as defined in this section may, upon the giving of satisfactory bond, be designated a bonded smelting or refining warehouse. Metal-bearing materials may be entered into a bonded smelting or refining warehouse without the payment of duties thereon and there smelted or refined, or both, together with metal-bearing materials of domestic or foreign origin. Upon arrival of imported metal-bearing materials at the warehouse they shall be sampled according to commercial methods and assayed, both under customs supervision. The bond shall be charged with a sum equal in amount to the duties which would be payable on such metal-bearing materials in their condition as imported if entered for consumption, and the bond charge shall be adjusted to reflect changes in the applicable rate of duty occurring while the imported materials are still covered by the bond.

(b) Cancellation of charges against bond

The several charges against such bond may be canceled in whole or in part—

(1) upon the exportation from the bonded warehouses which treated the metal-bearing materials, or from any other bonded smelting or refining warehouse, of a quantity of the same kind of metal contained in any product of smelting or refining of metal-bearing materials equal to the dutiable quantity contained in the imported metal-bearing materials less wastage provided for in subsection (c) of this section, or

(2) upon payment of duties on the dutiable quantity of metal contained in the imported metal-bearing materials, or

(3) upon the transfer of the bond charges to another bonded smelting or refining warehouse by physical shipment of a quantity of the same kind of metal contained in any product of smelting or refining of metal-bearing materials equal to the dutiable quantity contained in the imported metal-bearing materials less wastage provided for in subsection (c) of this section, or

(4) upon the transfer of the bond charges to a bonded customs warehouse other than a bonded smelting or refining warehouse by physical shipment of a quantity of the same kind of metal contained in any product of smelting or refining equal to the dutiable quantity contained in the imported metal-bearing materials less wastage provided for in subsection (c) of this section, and upon withdrawal from such other warehouse for exportation or domestic consumption the provisions of this section shall apply, or

(5) upon the transfer to another bonded smelting or refining warehouse without physical shipment of metal of bond charges representing a quantity of dutiable metal contained in imported metal-bearing materials less wastage provided for in subsection (c) of this section of the plant of initial treatment of such materials provided there is on hand at the warehouse to which the transfer is made sufficient like metal in any form to satisfy the transferred bond charges.

(c) Allowance on bond for wastage of metals

For purposes of paragraphs (1), (3), (4), and (5) of subsection (b) of this section, due allowances shall be made for wastage of metals other than copper, lead, and zinc, as ascertained from time to time by the Secretary of the Treasury.

(d) Credit for exportation of product other than refined metal

Upon the exportation of a product of smelting or refining other than refined metal the bond shall be credited with a quantity of metal equivalent to the quantity of metal contained in the product exported less the proportionate part of the deductions allowed for losses in determination of the bond charge being cancelled that would not ordinarily be sustained in production of the specific product exported as ascertained from time to time by the Secretary of the Treasury.

(e) General bond for two or more warehouses

Two or more smelting or refining warehouses may be included under one general bond and the quantities of each kind of metal subject to duty on hand at all of such warehouses may be aggregated to satisfy the bond obligation.

(f) Definitions

For purposes of this section—

(1) the term "metal-bearing materials" means metal-bearing ores and other metal-bearing materials provided for in schedule 6, part 1, of the Tariff Schedules of the United States, "metal waste and scrap" and "unwrought metal" to be smelted or refined provided for in schedule 6, part 2, of such schedules, and metal compounds to be processed for the recovery of their metal content;

(2) the term "smelting or refining" embraces only pyrometallurgical, hydrometallurgical, electrometallurgical, chemical, or other processes—

(A) for the treatment of metal-bearing materials to reduce the metal content thereof to a metallic state in the course of recovering it in forms which if imported would be classifiable in part 2 of schedule 6 as "unwrought metal," or in the form of oxides or other compounds which are obtained directly from the treatment of materials provided for in part 1 of schedule 6, and

(B) for the treatment of unwrought metal or metal waste and scrap to remove impurities or undesired components; and

(3) the term "product of smelting or refining" means metals or metal-bearing materials resulting directly from smelting or refining processes, but does not include metal-bearing ores as defined in part 1 of schedule 6.

(g) Supervision and cost of labor under this section

Labor preformed and services rendered pursuant to this section shall be under the supervision of an officer of the customs, to be appointed by the Secretary of the Treasury and at the expense of the manufacturer. The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.

(June 17, 1930, ch. 497, title III, § 312, 46 Stat. 692; May 24, 1962, Pub. L. 87-456, title III, § 301(b), 76 Stat. 75.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (f), are set out in section 1202 of this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in act Oct. 3, 1913, ch. 16, § IV, N, subsection 1, 38 Stat. 198, which was superseded by act Sept. 21, 1922, ch. 356, title III, § 312, 42 Stat. 940, and repealed by section 321 thereof. Section 312 of the act of 1922 was superseded by section 312 of the Tariff Act of 1930, and was repealed by section 651(a)(1) of the 1930 act.

Provisions more or less similar were contained in the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 24, 36 Stat. 89, the Dingley Tariff Act of July 24, 1897, ch. 11, § 29, 30 Stat. 210, the McKinley Tariff Act of Oct. 1, 1890, ch. 1244, § 24, 26 Stat. 617, and the Wilson Tariff Act of Aug. 27, 1894, ch. 349, § 21, 28 Stat. 551.

Previous provisions for sampling lead ores were made by act Mar. 2, 1895, ch. 189, § 1, 28 Stat. 933, which was repealed by act Sept. 21, 1922, ch. 356, title III, § 321, 42 Stat. 947.

AMENDMENTS

1962—Pub. L. 87-456 amended section generally, and among other changes, substituted the words "metal-bearing minerals" for "ores or crude metals," authorized adjustment of the bond charge to reflect changes in the applicable rate of duty occurring while the imported materials are still covered by the bond, permitted two or more warehouses to be included under one general bond, prohibited allowances for wastage of copper, lead, and zinc, and defined the terms "metal-bearing materials," "smelting or refining," and "product of smelting or refining."

EFFECTIVE DATE OF 1962 AMENDMENT

For effective date of amendment by Pub. L. 87-456, see section 501(a) of Pub. L. 87-456, set out as an Effective Date of Tariff Classification Act of 1962 note preceding section 1202 of this title.

§ 1313. Drawback and refunds

(a) Articles made from imported merchandise

Upon the exportation of articles manufactured or produced in the United States with the use of imported merchandise, the full amount of the duties paid upon the merchandise so used shall be refunded as drawback, less 1 per centum of such duties, except that such duties shall not be so refunded upon the exportation of flour or by-products produced from wheat imported after ninety days after June 17, 1930. Where two or more products result from the manipulation of imported merchandise, the drawback shall be distributed to the several products in accordance with their relative values at the time of separation.

(b) Substitution for drawback purposes

If imported duty-paid merchandise and duty-free or domestic merchandise of the same kind and quality are used in the manufacture or production of articles within a period not to exceed three years from the receipt of such imported merchandise by the manufacturer or producer of such articles, there shall be allowed upon the exportation of any such articles, notwithstanding the fact that none of the imported merchandise may actually have been used in the manufacture or production of the exported articles, an amount of drawback equal to that which would have been allowable had the merchandise used therein been imported; but the total amount of drawback allowed upon the exportation of such articles, together with the total amount of drawback allowed in respect of such imported merchandise under any other provision of law, shall not exceed 99 per centum of the duty paid on such imported merchandise.

(c) Merchandise not conforming to sample or specifications

Upon the exportation of merchandise not conforming to sample or specifications or shipped without the consent of the consignee upon which the duties have been paid and which have been entered or withdrawn for consumption and, within ninety days after release from customs custody, unless the Secretary authorizes in writing a longer time, returned to customs custody for exportation, the full amount of the duties paid upon such merchandise shall be refunded as drawback, less 1 per centum of such duties.

(d) Flavoring extracts; medicinal or toilet preparations; bottled distilled spirits and wines

Upon the exportation of flavoring extracts, medicinal or toilet preparations (including perfumery) manufactured or produced in the United States in part from domestic alcohol on which an internal-revenue tax has been paid, there shall be allowed a drawback equal in amount to the tax found to have been paid on the alcohol so used.

Upon the exportation of bottled distilled spirits and wines manufactured or produced in the United States on which an internal-revenue tax has been paid or determined, there shall be allowed, under regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, a drawback equal in amount to the tax found to have been paid or determined on such bottled distilled spirits and wines. In the case of distilled spirits, the preceding sentence shall not apply unless the claim for drawback is filed by the bottler or packager of the spirits and unless such spirits have been stamped or restamped, and marked, especially for export, under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

(e) Imported salt for curing fish

Imported salt in bond may be used in curing fish taken by vessels licensed to engage in the fisheries, and in curing fish on the shores of the navigable waters of the United States, whether such fish are taken by licensed or unlicensed vessels, and upon proof that the salt has been used for either of such purposes, the duties on the same shall be remitted.

(f) Exportation of meats cured with imported salt

Upon the exportation of meats, whether packed or smoked, which have been cured in the United States with imported salt, there shall be refunded, upon satisfactory proof that such meats have been cured with imported salt, the duties paid on the salt so used in curing such exported meats, in amounts not less than $100.

(g) Materials for construction and equipment of vessels built for foreigners

The provisions of this section shall apply to materials imported and used in the construction and equipment of vessels built for foreign account and ownership, or for the government of any foreign country, notwithstanding that such vessels may not within the strict meaning of the term be articles exported.

(h) Jet aircraft engines

Upon the exportation of jet aircraft engines manufactured or produced abroad that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, there shall be refunded, upon satisfactory proof that such imported merchandise has been so used, the duties which have been paid thereon, in amounts not less than $100.

(i) Time limitation on exportation

No drawback shall be allowed under the provisions of this section unless the completed article is exported within five years after importation of the imported merchandise.

(j) Regulations

Allowance of the privileges provided for in this section shall be subject to compliance with such rules and regulations as the Secretary of the Treasury shall prescribe, which may include, but need not be limited to, the fixing of a time limit within which drawback entries or entries for refund under any of the provisions of this section or section 1309(b) of this title shall be filed and completed, and the designation of the person to whom any refund or payment of drawback shall be made.

(k) Source of payment

Any drawback of duties that may be authorized under the provisions of this chapter shall be paid from the customs receipts of Puerto Rico, if the duties were originally paid into the Treasury of Puerto Rico.

(June 17, 1930, ch. 497, title III, § 313, 46 Stat. 693; May 17, 1932, ch. 190, 47 Stat. 158; June 26, 1936, ch. 830, title IV, §§ 402, 403, 49 Stat. 1960; Aug. 8, 1951, ch. 297, 65 Stat. 175; Aug. 8, 1953, ch. 397, § 12, 67 Stat. 515; Aug. 6, 1956, ch. 1021, § 2, 70 Stat. 1076; Aug. 18, 1958, Pub. L. 85-673, § 1, 72 Stat. 624; Oct. 22, 1968, Pub. L. 90-630, § 2(b), 82 Stat. 1328; Jan. 12, 1971, Pub. L. 91-692, § 3(a), 84 Stat. 2076.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in act Oct. 3, 1913, ch. 16, § IV, O, 38 Stat. 200, which was superseded by act Sept. 21, 1922, ch. 356, title III, § 313, 42 Stat. 940, and was repealed by section 321 thereof. Section 313 of the 1922 act was superseded by section 313 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

Earlier provisions relating to this subject were made by the Tariff Acts of Oct. 1, 1890, ch. 1244, § 25, 26 Stat. 617; Aug. 27, 1894, ch. 349, § 22, 28 Stat. 551; July 24, 1897, ch. 11, § 30, 30 Stat. 211; and Aug. 5, 1909, ch. 6, § 25, 36 Stat. 90, which superseded provisions of a similar nature contained in R.S. §§ 3019, 3020, 3026, as amended by act Mar. 10, 1880, ch. 37, 21 Stat. 67, and said sections 3019, 3020, and 3026, were also repealed by act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

The provisions of section IV, O, of the act of 1913, similar to subdivision (g) of this section concerning materials used in the construction and equipment of vessels built for foreign account, superseded a similar provision of act June 26, 1884, ch. 121, § 17, 23 Stat. 57.

The provisions of subsec. (e) of this section concerning imported salt used in curing fish superseded somewhat similar provisions in R.S. § 3022, which was repealed by act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Section 642 of the act of Sept. 21, 1922, also repealed sections 3015 to 3026, inclusive, 3028 to 3047, inclusive, and 3049 to 3057, inclusive of the Revised Statutes, which were concerned with the subject of drawback.

R.S. § 3048, which was not repealed, read as follows: "So much money as may be necessary for the payment of debentures or drawbacks and allowances which may be authorized and payable, is hereby appropriated for that purpose out of any money in the Treasury, to be expended under the direction of the Secretary of that Department, according to the laws authorizing debentures or drawbacks and allowances. The collectors of the customs shall be the disbursing agents to pay such debentures, drawbacks, and allowances. All debenture certificates issued according to law shall be received in payment of duties at the customhouse where the same have been issued, the laws regulating drawbacks having been complied with."

Permanent appropriations to pay debentures and other charges arising from duties, drawbacks, bounties, and allowances were also made by R.S. § 3689, incorporated in section 711 of Title 31, Money and Finance.

AMENDMENTS

1971—Subsec. (h). Pub. L. 91-692 added subsec. (h) and redesignated former subsec. (h) as (i).

Subsecs. (i) to (k). Pub. L. 91-692 redesignated former subsecs. (h) to (j) as (i) to (k), respectively.

1968—Subsec. (d). Pub. L. 90-630 permitted, under Treasury regulations, the drawback of tax with regard to distilled spirits exported as ships' stores where the stamping, restamping, or marking is done after the spirits have been removed from the original bottling plant.

1958—Subsec. (b). Pub. L. 85-673 substituted "merchandise" for "sugar, or metal, or ore containing metal, or flaxseed or linseed, or flaxseed or linseed oil, or printing papers coated or uncoated," following the words "duty-paid" and "allowable had the".

1956—Subsec. (b). Act Aug. 6, 1956, inserted "or printing papers, coated or uncoated," after "linseed oil," wherever appearing.

1953—Subsec. (b). Act Aug. 8, 1953, § 12(a), extended from one year to three years the period during which substitution for drawback purposes may be made.

Subsec. (c). Act Aug. 8, 1953, § 12(b), extended the period during which the merchandise can be returned to customs custody for exportation from thirty days to ninety days or such longer period as the Secretary of the Treasury may allow; and provided for the refunding of duties in cases where the merchandise upon which the duties have been paid was sent to the consignee without his consent.

Subsec. (h). Act Aug. 8, 1953, § 12(c), substituted the reference to "this section" for "this section or of section 152a of this title (relating to drawback on shipments to the Philippine Islands),"; struck out another reference to the Philippine Islands; and substituted "five years" for "three years".

Subsec. (i). Act Aug. 8, 1953, § 12(c), broadened the authority of the Secretary of the Treasury to make such regulations for the administration of the drawback provisions as may be necessary.

1951—Subsec. (b). Act Aug. 8, 1951, extended the provisions of such subsection to flaxseed and linseed, and flaxseed and linseed oil, and omitted "(or shipment to the Philippine Islands)" which preceded "of any such articles".

1936—Subsec. (d). Act June 26, 1936, added the second paragraph.

1932—Act May 17, 1932, changed "Porto Rico" to "Puerto Rico".

EFFECTIVE DATE OF 1971 AMENDMENT

Section 3(b) of Pub. L. 91-692 provided that: "The amendments made by subsection (a) [enacting subsec. (h) of this section] shall apply with respect to articles exported on or after the date of the enactment of this Act [Jan. 12, 1971]."

EFFECTIVE DATE OF 1968 AMENDMENT

For effective date of amendment by Pub. L. 90-630, see section 4 of Pub. L. 90-630, set out as an Effective Date of 1968 Amendment note under section 5008 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 2 of Pub. L. 85-673 provided that: "The amendment made by the first section of this Act [amending subsec. (b) of this section] shall be effective with respect to articles exported on or after the 30th day after the date of the enactment of this Act [Aug. 18, 1958]."

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section effective on and after the thirtieth day following August 8, 1953, and saving clause, see notes set out under section 1304 of this title.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Internal Revenue, referred to in this section, is an officer of the Treasury Department.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 1121; title 26 section 5009; title 42 section 405.

§ 1313a. Appropriations for refunds, drawbacks, bounties, etc.

There are appropriated such amounts as hereafter may be necessary for refund or payment of custom collections or receipts, and payment of debentures or drawbacks, bounties, and allowances, as authorized by law.

(June 30, 1949, ch. 286, title I, § 101, 63 Stat. 360.)

CODIFICATION

Section was not enacted as part of the Tariff Act of 1930 which constitutes this chapter.

§ 1314. Repealed. June 25, 1938, ch. 679, § 35, 52 Stat. 1092, eff. July 25, 1938

Section, act June 17, 1930, ch. 497, title III, § 314, 46 Stat. 695, related to reimportation of tax-free exports.

§ 1315. Effective date of rates of duty

(a) Articles entered or withdrawn from warehouse for consumption

Except as otherwise specially provided for, the rate or rates of duty imposed by or pursuant to this chapter or any other law on any article entered for consumption or withdrawn from warehouse for consumption shall be the rate or rates in effect when the documents comprising the entry for consumption or withdrawal from warehouse for consumption and any estimated or liquidated duties then required to be paid have been deposited with the appropriate customs officer in the form and manner prescribed by regulations of the Secretary of the Treasury, except that—

(1) any article released under an informal mail entry shall be subject to duty at the rate or rates in effect when the preparation of the entry is completed; and

(2) any article which is not subject to a quantitative or tariff-rate quota and which is covered by an entry for immediate transportation made at the port of original importation under section 1552 of this title, if entered for consumption at the port designated by the consignee, or his agent, in such transportation entry without having been taken into the custody of the appropriate customs officer under section 1490 of this title, shall be subject to the rate or rates in effect when the transportation entry was accepted at the port of original importation.

(b) Articles removed from intended place of release

Any article which has been entered for consumption but which, before release from customs custody, is removed from the port or other place of intended release because of inaccessibility, overcarriage, strike, act of God, or unforeseen contingency, shall be subject to duty at the rate or rates in effect when the entry for consumption and any required duties were deposited in accordance with subsection (a) of this section, but only if the article is returned to such port or place within ninety days after the date of removal and the identity of the article as that covered by the entry is established in accordance with regulations prescribed by the Secretary of the Treasury.

(c) Quantity of merchandise at time of importation

Insofar as duties are based upon the quantity of any merchandise, such duties shall, except as provided in section 1001, paragraph 813, and section 1562 of this title (relating respectively to certain beverages and to manipulating warehouses), be levied and collected upon the quantity of such merchandise at the time of its importation.

(d) Effective date of administrative rulings resulting in higher rates

No administrative ruling resulting in the imposition of a higher rate of duty or charge than the Secretary of the Treasury shall find to have been applicable to imported merchandise under an established and uniform practice shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption prior to the expiration of thirty days after the date of publication in the weekly Treasury Decisions of notice of such ruling; but this provision shall not apply with respect to the imposition of antidumping duties, or the imposition of countervailing duties under section 1303 of this title.

(June 17, 1930, ch. 497, title III, § 315, 46 Stat. 695; June 25, 1938, ch. 679, § 6, 52 Stat. 1081; Aug. 8, 1953, ch. 397, § 3(a), 67 Stat. 508; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287; Jan. 3, 1975, Pub. L. 93-618, title III, § 331(c), 88 Stat. 2053.)

REFERENCES IN TEXT

Section 1001, paragraph 813, referred to in subsec. (c), was repealed by Pub. L. 87-456, title I, § 101(a), May 24, 1962, 76 Stat. 72. See Revised Tariff Schedules of the United States, section 1202 of this title.

AMENDMENTS

1975—Subsec. (d). Pub. L. 93-618 inserted "or the imposition of countervailing duties under section 1303 of this title" following "antidumping duties".

1970—Subsec. (a). Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

1953—Act Aug. 8, 1953, amended section generally by dividing section into subsections, and by changing the provisions now set out as subsecs. (a) and (b) to clarify such provisions with respect to effective dates of rates of duty.

1938—Act June 25, 1938 amended section generally, among which changes it added the provisions now set out as subsecs. (c) and (d).

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-618 effective on Jan. 3, 1975, see section 331(d)(1) of Pub. L. 93-618, set out as an Effective Date of 1975 Amendment note under section 1303 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in text, are under the Department of the Treasury.

§ 1316. Omitted

CODIFICATION

Section, act June 17, 1930, ch. 497, title III, § 316, 46 Stat. 695, prohibiting the construction of this chapter so as to abrogate or affect the treaty between the United States and Cuba concluded on Dec. 11, 1902, was omitted in view of the termination of such treaty on Aug. 21, 1963 (see note hereunder), and section 401 of Pub. L. 87-456, title IV, May 24, 1962, 76 Stat. 78, set out as a note under section 1351 of this title. Section 401(d) of Pub. L. 87-456 declares sections 124 and 125 of this title as inapplicable so long as section 401(a) of Pub. L. 87-456, declaring Cuba as a nation dominated or controlled by the foreign government or foreign organization controlling the world communist movement, applies.

TREATY BETWEEN UNITED STATES AND CUBA

The treaty concluded between the United States and the Republic of Cuba on Dec. 11, 1902, referred to in the text, was terminated Aug. 21, 1963, pursuant to notice given by the United States on Aug. 21, 1962. See Bevans, Treaties, and Other International Agreements of the United States of America, 1776 to 1949, vol. VI, page 1106.

§ 1317. Tobacco products; supplies for certain vessels and aircraft

(a) The shipment or delivery of manufactured tobacco, snuff, cigars, or cigarettes, for consumption beyond the jurisdiction of the internal-revenue laws of the United States, as defined by section 2197(a) of title 26, shall be deemed exportation within the meaning of the customs and internal-revenue laws applicable to the exportation of such articles without payment of duty or internal-revenue tax.

(b) The shipment or delivery of any merchandise for use as supplies (including equipment) upon, or in the maintenance or repair of any vessel or aircraft described in subdivision (2) or (3) of section 1309(a) of this title, or for use as ground equipment for any such aircraft, shall be deemed an exportation within the meaning of the customs and internal-revenue laws applicable to the exportation of such merchandise without the payment of duty or internal-revenue tax. With respect to merchandise for use as ground equipment, such shipment or delivery shall not be deemed an exportation within

the meaning of the internal-revenue laws relating to taxes other than those imposed upon or by reason of importation.

(June 17, 1930, ch. 497, title III, § 317, 46 Stat. 696; June 25, 1938, ch. 679, § 5(b), 52 Stat. 1081; Aug. 8, 1953, ch. 397, § 11(b), 67 Stat. 514.)

REFERENCES IN TEXT

Section 2197(a) of title 26, referred to in subsec. (a), is a reference to section 2197(a) of the Internal Revenue Code of 1939, which was repealed by section 7851 of Title 26, Internal Revenue Code.

AMENDMENTS

1953—Subsec. (b). Act Aug. 8, 1953, extended to foreign vessels the exemption from payment of duty and internal revenue tax theretofore available for supplies used in the maintenance or repair of aircraft; and provided an exemption for ground equipment for foreign-flag aircraft from duties and taxes imposed on, by reason of, importation.

1938—Act June 25, 1938, amended the catchline, designated existing provisions as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

REPEALS

Insofar as this section related exclusively to Internal Revenue it was repealed and incorporated as section 2197(b) of the Internal Revenue Code of 1939. See section 4(a) of enacting sections of Internal Revenue Code of 1939. Section 2197(b) of I. R. C. 1939 was repealed and is now covered by section 5704(b) of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1309 of this title.

§ 1318. Emergencies

Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act, and may authorize the Secretary of the Treasury to permit, under such regulations as the Secretary of the Treasury may prescribe, the importation free of duty of food, clothing, and medical, surgical, and other supplies for use in emergency relief work. The Secretary of the Treasury shall report to the Congress any action taken under the provisions of this section.

(June 17, 1930, ch. 497, title III, § 318, 46 Stat. 696.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, Title IV, § 622, 42 Stat. 988, which was superseded by section 318 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of said 1930 Act.

PROC. NO. 2948, MERCHANDISE IN GENERAL-ORDER AND BONDED WAREHOUSES

Proc. No. 2948, Oct. 12, 1951, 16 F.R. 10589, 65 Stat. c41, provided:

Now, therefore, I, Harry S. Truman, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930 [this section] do hereby authorize the Secretary of the Treasury, until the termination of the national emergency proclaimed on December 16, 1950, or until it shall be determined by the President and declared by his proclamation that such action is no longer necessary, whichever is earlier:

(1) To extend the one-year period prescribed in section 491, as amended [section 1491 of this title], for not more than one year from and after the expiration of such one-year period in any case in which such period has already expired or shall hereafter expire during the continuance of the said national emergency;

(2) To extend the three-year period prescribed in sections 557 and 559, as amended [sections 1557 and 1559 of this title], for not more than one year from and after the expiration of such three-year period in any case in which such period has already expired or shall hereafter expire during the continuance of the said national emergency; and

(3) To extend further the one-year period prescribed in section 491, as amended [section 1491 of this title], and the three-year period prescribed in sections 557 and 559, as amended [sections 1557 and 1559 of this title], for additional periods of not more than one year each from and after the expiration of the immediately preceding extension in any case in which such extension shall expire during the continuance of the said national emergency:

Provided, however, that in each and every case under numbered paragraphs (1), (2), and (3) above in which the merchandise is charged against an entry bond the Secretary of the Treasury shall require that the principal on such bond, in order to obtain the benefit of any extension which may be granted under the authority of this proclamation, shall furnish to the collector of customs at the port where the bond is on file either the agreement of the sureties on the bond to remain bound under the terms and conditions of the bond to the same extent as if no extension had been granted, or an additional bond with acceptable sureties to cover the period of extension; and that, in each and every case in which the merchandise remains charged against a carrier's bond the Secretary of the Treasury shall require that the principal on such bond shall agree to the extension and shall furnish to the collector of customs at the port where the charge was made the agreement of the sureties on the bond to remain bound under the terms and conditions of the bond to the same extent as if no extension had been granted; and

Provided further, that as a condition to the granting of any extension or further extension of the periods prescribed in sections 491, 557, and 559 of the Tariff Act of 1930, as amended [sections 1491, 1557 and 1559 of this title], under numbered paragraphs (1), (2), or (3) above the Secretary of the Treasury may require that there shall be furnished to the collector of customs in the district in which the warehouse is located, in connection with the application for such extension, the consent of the warehouse proprietor to such extension or, in the alternative, proof of payment of all charges or amounts due or owing to such warehouse proprietor for the storage or handling of the imported merchandise; and

Provided further, that the extensions of one year authorized by this proclamation shall not apply to any case in which the period sought to be extended expired prior to December 16, 1950, or in which the merchandise in question has been sold by the Government as abandoned.

This proclamation supersedes Proclamation No. 2599 of November 4, 1943, as amended by Proclamation No.

2712 of December 3, 1946, but it shall not be construed (1) as invalidating any action heretofore taken under the provisions of the said Proclamation No. 2599 or under the provisions of that proclamation as amended by the said Proclamation No. 2712, or (2) as imposing the conditions set forth in the second proviso above upon the granting of extensions for which applications are pending on the date of this proclamation.

§ 1319. Duty on coffee imported into Puerto Rico

The Legislature of Puerto Rico is empowered to impose tariff duties upon coffee imported into Puerto Rico, including coffee grown in a foreign country coming into Puerto Rico from the United States. Such duties shall be collected and accounted for as now provided by law in the case of duties collected in Puerto Rico.

(June 17, 1930, ch. 497, title III, § 319, 46 Stat. 696; May 17, 1932, ch. 190, 47 Stat. 158.)

AMENDMENTS

1932—Act May 17, 1932, changed "Porto Rico" to "Puerto Rico".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2464 of this title.

§ 1319a. Duty on coffee; ratification of duties imposed by Legislature of Puerto Rico

The taxes and duties imposed by the Legislature of Puerto Rico by Joint Resolution Numbered 59 approved by the Governor of Puerto Rico May 5, 1930, and by Act Numbered 77 approved by the Governor of Puerto Rico May 5, 1931, as amended by Act Numbered 7 approved by the Governor April 9, 1934, including therein such taxes and duties on coffee brought into Puerto Rico from any State or Territory or district or possession of the United States, or other place subject to the jurisdiction of the United States, are legalized and ratified, and the collection of all such taxes and duties made under or by authority of either of said acts of the Puerto Rican Legislature, including such taxes and duties on coffee brought into Puerto Rico from any State, Territory, district, or possession of the United States, or other place subject to the jurisdiction of the United States, is legalized, ratified, and confirmed as fully to all intents and purposes as if the same had, by prior Act of Congress, been specifically authorized and directed.

(June 18, 1934, ch. 604, 48 Stat. 1017; Aug. 20, 1935, ch. 578, 49 Stat. 665.)

CODIFICATION

Section was not enacted as part of Tariff Act of 1930 which constitutes this chapter.

AMENDMENTS

1935—Act Aug. 20, 1935, amended section generally.

§ 1320. Repealed. Aug. 8, 1953, ch. 397, § 6(b), 67 Stat. 510

Section, act June 17, 1930, ch. 497, title III, § 320, 46 Stat. 696, related to reciprocal agreements covering advertising matter.

EFFECTIVE DATE OF REPEAL; SAVING CLAUSE

Repeal of this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

§ 1321. Administrative exemptions

(a) The Secretary of the Treasury, in order to avoid expense and inconvenience to the Government disproportionate to the amount of revenue that would otherwise be collected, is authorized, under such regulations as he shall prescribe, to—

(1) disregard a difference of less than $3 between the total estimated duties or taxes deposited, or the total duties or taxes tentatively assessed, with respect to any entry of merchandise and the total amount of duties or taxes actually accruing thereon; and

(2) admit articles free of duty and of any tax imposed on or by reason of importation, but the aggregate fair retail value in the country of shipment of articles imported by one person on one day and exempted from the payment of duty shall not exceed—

(A) $10 in the case of articles sent as bona fide gifts from persons in foreign countries to persons in the United States ($20, in the case of articles sent as bona fide gifts from persons in the Virgin Islands, Guam, and American Samoa), or

(B) $10 in the case of articles accompanying, and for the personal or household use of, persons arriving in the United States who are not entitled to any exemption from duty under item 812.25 or 813.31 of section 1202 of this title, or

(C) $1 in any other case.

The privilege of this subdivision (2) shall not be granted in any case in which merchandise covered by a single order or contract is forwarded in separate lots to secure the benefit of this subdivision (2).

(b) The Secretary of the Treasury is authorized by regulations to diminish any dollar amount specified in subsection (a) of this section and to prescribe exceptions to any exemption provided for in such subsection whenever he finds that such action is consistent with the purpose of such subsection or is necessary for any reason to protect the revenue or to prevent unlawful importations.

(June 17, 1930, ch. 497, title III, § 321, as added June 25, 1938, ch. 679, § 7, 52 Stat. 1081, and amended Aug. 8, 1953, ch. 397, § 13, 67 Stat. 515; Sept. 21, 1961, Pub. L. 87-261, § 2(c), 75 Stat. 541; June 30, 1965, Pub. L. 89-62, § 2, 79 Stat. 208; Jan. 3, 1975, Pub. L. 93-618, title VI, § 610(a), 88 Stat. 2075.)

AMENDMENTS

1975—Subsec. (a)(2)(A). Pub. L. 93-618 inserted "($20, in the case of articles sent as bona fide gifts from persons in the Virgin Islands, Guam, and American Samoa)" after "United States".

1965—Subsec. (a)(2). Pub. L. 89-62 substituted "fair retail value in the country of shipment" for "value" in the material preceding subpar. (A) and "item 812.25 or 813.31 of section 1202 of this title" for "paragraph 1798(b)(2) or (c)(2) of section 1201 of this title" in subpar. (B).

1961—Subsec. (a). Pub. L. 87-261 inserted "(b)(2) or" following "paragraph 1798".

1953—Act Aug. 8, 1953, (1) divided section into subsections; (2) increased from $1 to $3 the difference between deposited or assessed duties and actual duties which may be disregarded by the collector; (3) permitted free entry of bona fide gifts from persons outside the United States up to $10; (4) allowed persons to bring with them articles up to $10 in value for their personal use; (5) continued to allow free entry up to $1 in other cases; and (6) enabled the Secretary of the Treasury to reduce these amounts if he found such action necessary to protect the revenue.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 610(b) of Pub. L. 93-618 provided that: "The amendment made by subsection (a) [amending subsec. (a)(2)(A) of this section] shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of enactment of this Act [Jan. 3, 1975]."

EFFECTIVE DATE OF 1965 AMENDMENT

Section 4 of Pub. L. 89-62 provided in part that: "The amendments made by section 2 [to subsec. (a)(2) of this section] shall apply with respect to articles arriving in the United States on or after October 1, 1965."

EFFECTIVE DATE OF 1961 AMENDMENT

Section 2(d) of Pub. L. 87-261 provided that: "The amendments made by subsections (a), (b), and (c) [to this section and to subpars. (b) and (g) of former par. 1798 of section 1201 of this title] shall apply with respect to persons arriving in the United States on or after the 30th day after the date of the enactment of this Act [Sept. 21, 1961]."

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section as effective on and after the thirtieth day following August 8, 1953, and saving clause, see notes set out under section 1304 of this title.

EFFECTIVE DATE

This section to take effect on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

SHORT TITLE

Section 1 of act June 25, 1938 provided that act June 25, 1938, which added sections 1321, 1467, 1528 of this title, amended sections 1001, 1001 (pars. 741, 813, 1101, 1111, 1115, 1529), 1201, 1201 (pars. 1615, 1798), 1308, 1304, 1309, 1315, 1317, 1401, 1402, 1451, 1459, 1460, 1484, 1485, 1491, 1499, 1501, 1516, 1520, 1524, 1553, 1557 to 1559, 1562, 1563, 1603, 1607, 1609, 1613, 1623, 1709 of this title and section 331 of Title 46, Shipping, and enacted provisions set out as a note under section 1516 of this title, may be cited as the "Customs Administrative Act of 1938."

§ 1322. International traffic and rescue work; United States-Mexico Boundary Treaty of 1970

(a) Vehicles and other instruments of international traffic, of any class specified by the Secretary of the Treasury, shall be granted the customary exceptions from the application of the customs laws to such extent and subject to such terms and conditions as may be prescribed in regulations or instructions of the Secretary of the Treasury.

(b) The Secretary of the Treasury may provide by regulation or instruction for the admission, without entry and without the payment of any duty or tax imposed upon or by reason of importation, of—

(1) aircraft, equipment, supplies, and spare parts for use in searches, rescues, investigations, repairs, and salvage in connection with accidental damage to aircraft;

(2) fire-fighting and rescue and relief equipment and supplies for emergent temporary use in connection with conflagrations;

(3) rescue and relief equipment and supplies for emergent temporary use in connection with floods and other disasters; and

(4) personal property related to the use and enjoyment of a separated tract of land as described in article III of the Treaty To Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado Rivers as the International Boundary between the United States of America and the United Mexican States signed on November 23, 1970.

Any articles admitted under the authority of this subsection and used otherwise than for a purpose herein expressed, or not exported in such time and manner as may be prescribed in the regulations or instructions herein authorized, shall be forfeited to the United States.

(June 17, 1930, ch. 497, title III, § 322, as added Aug. 8, 1953, ch. 397, § 14, 67 Stat. 516; Oct. 25, 1972, Pub. L. 92-549, title I, § 107, 86 Stat. 1162.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (a), are classified generally to this title.

AMENDMENTS

1972—Pub. L. 92-549, § 107(a), provided for "United States-Mexico Boundary Treaty of 1970" in section catchline.

Subsec. (b). Pub. L. 92-549, § 107(b), added cl. (4).

EFFECTIVE DATE

Section effective on and after the thirtieth day following Aug. 8, 1953, see note set out under section 1304 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 883.

§ 1323. Conservation of fishery resources

Upon the convocation of a conference on the use or conservation of international fishery resources, the President shall, by all appropriate means at his disposal, seek to persuade countries whose domestic fishing practices or policies affect such resources, to engage in negotiations in good faith relating to the use or conservation of such resources. If, after such efforts by the President and by other countries which have agreed to engage in such negotiations, any other country whose conservation practices or policies affect the interests of the United States and such other countries, has in the judgment of the President, failed or refused to engage in such negotiations in good faith, the President may, if he is satisfied that such action is likely to be effective in inducing such country to engage in such negotiations in good faith, increase the rate of duty on any fish (in any form) which is the product of such country, for such time as he deems necessary, to a rate not more than 50 percent above the rate existing on July 1, 1934.

(June 17, 1930, ch. 497, title III, § 323, as added Oct. 11, 1962, Pub. L. 87-794, title II, § 257(i), 76 Stat. 883.)

PART II—UNITED STATES INTERNATIONAL TRADE COMMISSION

§ 1330. Organization of Commission

(a) Membership

The United States International Trade Commission (referred to in this subtitle as the "Commission") shall be composed of six commissioners who shall be appointed by the President, by and with the advice and consent of the Senate. No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States, and, in the judgment of the President, is possessed of qualifications requisite for developing expert knowledge of international trade problems and efficiency in administering the duties and functions of the Commission. A person who has served as a commissioner for more than 5 years (excluding service as a commissioner before January 3, 1975) shall not be eligible for reappointment as a commissioner. Not more than three of the commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable.

(b) Terms of office

The terms of office of the commissioners holding office on January 3, 1975, which (but for this sentence) would expire on June 16, 1975, June 16, 1976, June 16, 1977, June 16, 1978, June 16, 1979, and June 16, 1980, shall expire on December 16, 1976, June 16, 1978, December 16, 1979, June 16, 1981, December 16, 1982, and June 16, 1984, respectively. The term of office of each commissioner appointed after such date shall expire 9 years from the date of the expiration of the term for which his predecessor was appointed, except that—

(1) any commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and

(2) any commissioner may continue to serve as a commissioner after an expiration of his term of office until his successor is appointed and qualified.

(c) Chairman and vice chairman; quorum

(1) Except as provided in paragraph (2), the President shall annually designate one of the commissioners as chairman and one as vice chairman of the commission. The vice chairman shall act as chairman in case of the absence or disability of the chairman. A majority of the commissioners in office shall constitute a quorum, but the commission may function notwithstanding vacancies. No commissioner shall actively engage in any other business, vocation, or employment than that of serving as a commissioner.

(2) Effective on and after June 17, 1975, the commissioner whose term is first to expire and who has at least 18 months remaining in his term shall serve as chairman during the last 18 months of his term (or, in the case of a commissioner appointed to fill a vacancy occurring during such 18-month period, during the remainder of his term), and the commissioner whose term is second to expire and who has at least 36 months remaining in his term shall serve as vice chairman during the same 18-month period (or, in the case of a commissioner appointed to fill a vacancy occurring during such 18-month period, during the remainder of such 18-month period).

(d) Effect of divided vote in certain cases

(1) In a proceeding in which the Commission is required to determine—

(A) under section 2251 of this title, whether increased imports of an article are a substantial cause of serious injury, or the threat thereof, as described in subsection (b)(1) of that section (hereafter in this subsection referred to as "serious injury"), or

(B) under section 2436 of this title, whether market disruption exists,

and the commissioners voting are equally divided with respect to such determination, then the determination, agreed upon by either group of commissioners may be considered by the President as the determination of the Commission.

(2) If under section 2251 or 2436 of this title there is an affirmative determination of the Commission, or a determination of the Commission which the President may consider an affirmative determination under paragraph (1), that serious injury or market disruption exists, respectively, and a majority of the commissioners voting are unable to agree on a finding or recommendation described in section 2251(d)(1) of this title or the finding described in section 2436(a)(3) of this title, as the case may be (hereafter in this subsection referred to as a "remedy finding"), then—

(A) if a plurality of not less than three commissioners so voting agree on a remedy finding, such remedy finding shall, for purposes of sections 2252 and 2253 of this title, be treated as the remedy finding of the Commission, or

(B) if two groups, both of which include not less than 3 commissioners, each agree upon a remedy finding and the President reports under section 2253(b) of this title that—

(i) he is taking the action agreed upon by one such group, then the remedy finding agreed upon by the other group shall, for purposes of sections 2252 and 2253 of this title, be treated as the remedy finding of the Commission, or

(ii) he is taking action which differs from the action agreed upon by both such groups, or that he will not take any action, then the remedy finding agreed upon by either such group may be considered by the Congress as the remedy finding of the Commission and shall, for purposes of sections 2252 and 2253 of this title, be treated as the remedy finding of the Commission.

(3) In any proceeding to which paragraph (1) applies in which the commissioners voting are equally divided on a determination that serious injury exists, or that market disruption exists, the Commission shall report to the President the determination of each group of commissioners. In any proceeding to which paragraph (2) applies, the Commission shall report to the President the remedy finding of each group of commissioners voting.

(4) In a case to which paragraph (2)(B)(ii) applies, for purposes of section 2253(c)(1) of this

title, notwithstanding section 2192(a)(1)(A) of this title, the second blank space in the concurrent resolution described in such section 2192 shall be filled with the appropriate date and the following: "The action which shall take effect under section 203(c)(1) of the Trade Act of 1974 is the finding or recommendation agreed upon by Commissioners ————, ————, and ————." The three blank spaces shall be filled with the names of the appropriate Commissioners.

(5) Whenever, in any case in which the Commission is authorized to make an investigation upon its own motion, upon complaint, or upon application of any interested party, one-half of the number of commissioners voting agree that the investigation should be made, such investigation shall thereupon be carried out in accordance with the statutory authority covering the matter in question. Whenever the Commission is authorized to hold hearings in the course of any investigation and one-half of the number of commissioners voting agree that hearings should be held, such hearings shall thereupon be held in accordance with the statutory authority covering the matter in question.

(e) Authorization of appropriations

For the fiscal year beginning October 1, 1976, and each fiscal year thereafter, there are authorized to be appropriated to the Commission only such sums as may hereafter be provided by law.

(June 17, 1930, ch. 497, title III, § 330, 46 Stat. 696; Aug. 7, 1953, ch. 348, title II, § 201, 67 Stat. 472; Jan. 3, 1975, Pub. L. 93-618, title I, §§ 172(a), (b), 175(b), 88 Stat. 2009-2011; Oct. 4, 1976, Pub. L. 94-455, title XVIII, § 1801(a), (b), 90 Stat. 1762.)

References in Text

Section 203(c)(1) of the Trade Act of 1974, referred to in subsec. (d)(4), is classified to section 2253(c)(1) of this title.

Codification

Provisions of subsec. (c) which prescribed the annual basic compensation of the commissioners were omitted to conform to the provisions of the Executive Schedule. See sections 5314(63) and 5315(24) of Title 5, Government Organization and Employees.

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 8, 1916, ch. 463, § 700, 39 Stat. 795. That section was superseded by section 330 of the Tariff Act of 1930, comprising this section.

Amendments

1976—Subsec. (b). Pub. L. 94-455, § 1801(a), added provisions that any commissioner may continue to serve as a commissioner after an expiration of his term of office until his successor is appointed and qualified.

Subsec. (d)(1). Pub. L. 94-455, § 1801(b)(2), substituted provisions relating to consideration by the President of determinations of the Commission as to whether increased imports of an article are a substantial cause of serious injury or threat or whether market disruption exists for provisions relating to consideration by the President of findings of the Commission in connection with any authority conferred upon the President by law to make changes in import restrictions.

Subsecs. (d)(2) to (4). Pub. L. 94-455, § 1801(b)(2), added subsec. (d)(2) to (4). Former subsec. (d)(2) redesignated (d)(5).

Subsec. (d)(5). Pub. L. 94-455, § 1801(b)(1), redesignated former subsec. (d)(2) as (d)(5).

1975—Subsec. (a). Pub. L. 93-618, § 172(a), substituted "United States International Trade Commission" for "United States Tariff Commission" and added provision that a person who has served as a commissioner for more than five years (excluding service as a commissioner before January 3, 1975) shall not be eligible for reappointment as a commissioner.

Subsec. (b). Pub. L. 93-618, § 172(a), lengthened the term of office from 6 years to 9 years for commissioners appointed after Jan. 3, 1975, and substituted Dec. 16, 1976, June 16, 1978, Dec. 16, 1979, June 16, 1981, Dec. 16, 1982, and June 16, 1984, for June 16, 1975, June 16, 1976, June 16, 1977, June 16, 1978, June 16, 1979, and June 16, 1980, respectively, as the expiration dates for the terms of office of commissioners serving on Jan. 3, 1975.

Subsec. (c). Pub. L. 93-618, § 172(b), designated existing provisions as par. (1), inserted "Except as provided in paragraph (2)," preceding "The" in par. (1) as so redesignated, and added par. (2).

Subsec. (e). Pub. L. 93-618, § 175(b), added subsec. (e).

1953—Subsec. (d). Act Aug. 7, 1953 added subsec. (d).

Effective Date of 1976 Amendment

Section 1801(c) of Pub. L. 94-455 provided that: "The amendments made by subsection (b) [to subsec. (d) of this section] shall apply to determinations, findings, and recommendations made under sections 201 and 406 of the Trade Act of 1974 [sections 2251 and 2436 of this title] after the date of the enactment of this Act [Oct. 4, 1976]."

Section Referred to in Other Sections

This section is referred to in sections 2231, 2252 of this title.

§ 1331. General powers

(a) Personnel

The commission shall appoint a secretary, and the commission shall have authority to employ and fix the compensations of such special experts, examiners, clerks, and other employees as the commission may from time to time find necessary for the proper performance of its duties.

(b) Application of civil service law

Except for employees excepted under civil service rules, all employees of the commission shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil service law.

(c) Expenses

All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other places than at their respective headquarters, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

(d) Offices and supplies

Unless otherwise provided by law, the commission may rent suitable offices for its use, and purchase such furniture, equipment, and supplies as may be necessary.

(e) Principal office at Washington

The principal office of the commission shall be in the city of Washington, but it may meet and exercise all its powers at any other place. The commission may, by one or more of its members, or by such agents as it may designate, prosecute any inquiry necessary to its duties in any part of the United States or in any foreign country.

(f) Office at New York

The commission is authorized to establish and maintain an office at the port of New York for the purpose of directing or carrying on any investigation, receiving and compiling statistics, selecting, describing, and filing samples of articles, and performing any of the duties or exercising any of the powers imposed upon it by law.

(g) Official seal

The commission is authorized to adopt an official seal, which shall be judicially noticed.

(June 17, 1930, ch. 497, title III, § 331, 46 Stat. 697.)

REFERENCES IN TEXT

The civil service law, referred to in subsec. (b), is set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

In subsec. (a), provisions which specified a salary of $7,500 per year for the secretary to the commission have been omitted as obsolete and superseded. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees. Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Civil Service Commission to determine the applicability to specific positions and employees.

In subsec. (b), the words "Except for employees excepted under the civil service rules" were substituted for "With the exception of the secretary, a clerk to each commissioner, and such special experts as the commission may from time to time find necessary for the conduct of its work". Appointments are now subject to the civil service laws unless specifically excepted by such laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5.

PRIOR PROVISIONS

Provisions similar to subsecs. (a) to (e) of this section were contained in act Sept. 8, 1916, ch. 463, § 701, 39 Stat. 975. That section was superseded by section 331 of the Tariff Act of 1930 comprising this section.

Provisions similar to those of subsecs. (f) and (g) of this section were contained in act Sept. 21, 1922, ch. 356, title III, § 318, 42 Stat. 947. That section was superseded by section 331 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

§ 1332. Investigations

(a) Investigations and reports

It shall be the duty of the commission to investigate the administration and fiscal and industrial effects of the customs laws of this country, the relations between the rates of duty on raw materials and finished or partly finished products, the effects of ad valorem and specific duties and of compound specific and ad valorem duties, all questions relative to the arrangement of schedules and classification of articles in the several schedules of the customs law, and, in general, to investigate the operation of customs laws, including their relation to the Federal revenues, their effect upon the industries and labor of the country, and to submit reports of its investigations as hereafter provided.

(b) Investigations of tariff relations

The commission shall have power to investigate the tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, economic alliances, the effect of export bounties and preferential transportation rates, the volume of importations compared with domestic production and consumption, and conditions, causes, and effects relating to competition of foreign industries with those of the United States, including dumping and cost of production.

(c) Investigation of Paris Economy Pact

The commission shall have power to investigate the Paris Economy Pact and similar organizations and arrangements in Europe.

(d) Information for President and Congress

In order that the President and the Congress may secure information and assistance, it shall be the duty of the commission to—

(1) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of the United States of articles of the United States, whenever in the opinion of the commission it is practicable;

(2) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of foreign countries of articles imported into the United States, whenever in the opinion of the commission such conversion costs or costs of production are necessary for comparison with conversion costs or costs of production in the United States and can be reasonably ascertained;

(3) Select and describe articles which are representative of the classes or kinds of articles imported into the United States and which are similar to or comparable with articles of the United States; select and describe articles of the United States similar to or comparable with such imported articles; and obtain and file samples of articles so selected, whenever the commission deems it advisable;

(4) Ascertain import costs of such representative articles so selected;

(5) Ascertain the grower's, producer's, or manufacturer's selling prices in the principal growing, producing, or manufacturing centers of the United States of the articles of the United States so selected; and

(6) Ascertain all other facts which will show the differences in or which affect competition between articles of the United States and imported articles in the principal markets of the United States.

(e) Definitions

When used in this subdivision and in subdivision (d) of this section—

(1) The term "article" includes any commodity, whether grown, produced, fabricated, manipulated, or manufactured;

(2) The term "import cost" means the price at which an article is freely offered for sale in the ordinary course of trade in the usual wholesale quantities for exportation to the United States plus, when not included in such price, all necessary expenses, exclusive of customs duties, of bringing such imported article to the United States.

(f) Omitted

(g) Reports to President and Congress

The commission shall put at the disposal of the President of the United States, the Committee on Ways and Means of the House of Representatives, and the Committee on Finanace of the Senate, whenever requested, all information at its command, and shall make such investigations and reports as may be requested by the President or by either of said committees or by either branch of the Congress, and shall report to Congress on the first Monday of December of each year after June 17, 1930, a statement of the methods adopted and all expenses incurred, a summary of all reports made during the year, and a list of all votes taken by the commission during the year, showing those commissioners voting in the affirmative and the negative on each vote and those commissioners not voting on each vote and the reasons for not voting. Each such annual report shall include a list of all complaints filed under section 1337 of this title during the year for which such report is being made, the date on which each such complaint was filed, and the action taken thereon, and the status of all investigations conducted by the commission under such section during such year and the date on which each such investigation was commenced.

(June 17, 1930, ch. 497, title III, § 332, 46 Stat. 698; Jan. 3, 1975, Pub. L. 93-618, title I, § 173, title III, § 341(b), 88 Stat. 2010, 2056.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (a), are classified generally to this title.

CODIFICATION

Subsection (f), which directed the Tariff Commission to ascertain the cost of crude petroleum during three years preceding 1930, was omitted from the Code as executed.

PRIOR PROVISIONS

Provisions similar to subdivisions (a), (b), and (g) of this section were contained in act Sept. 8, 1916, ch. 463, §§ 702 to 704, 39 Stat. 796. Those sections were superseded by section 332 of the Tariff Act of 1930 comprising this section.

Provisions similar to those of subdivision (c) of this section were contained in act Sept. 8, 1916, ch. 463, § 708, 39 Stat. 798. That section was superseded by section 332 of the Tariff Act of 1930, comprising this section.

Provisions similar to subdivisions (d) and (e) of this section were contained in act Sept. 21, 1922, ch. 356, title III, § 318, 42 Stat. 947. Section 318 of act 1922 was superseded by section 332 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of said 1939 act.

Act Oct. 3, 1913, ch. 16, § IV, R, 38 Stat. 201, requiring the President to ascertain certain facts and report to Congress when imports amounted to less than 5 per centum of domestic consumption, was repealed by act Sept. 21, 1922, ch. 356, title III, § 321, 42 Stat. 947.

AMENDMENTS

1975—Subsec. (g). Pub. L. 93-618 substituted "a summary of all reports made during the year, an a list of all votes taken by the commission during the year, showing those commissioners voting in the affirmative and the negative on each vote and those commissioners not voting on each vote and the reasons for not voting" for "and a summary of all reports made during the year", and added last sentence relating to complaints included in annual reports.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-618 effective on the 90th day after Jan. 3, 1975, see section 341(c) of Pub. L. 93-618, set out as an Effective Date of 1975 Amendment note under section 1337 of this title.

REVIEW OF CUSTOMS TARIFF SCHEDULES

Act Sept. 1, 1954, ch. 1213, title I, § 101, 68 Stat. 1136, as amended Aug. 2, 1956, ch. 894, 70 Stat. 955; May 19, 1958, Pub. L. 85-418, § 3, 72 Stat. 120, provided for a complete study by the Tariff Commission for the purpose of clarifying and simplifying the tariff classification, with a report to go to the President and to the chairmen of the appropriate committees of Congress no later than Jan. 1, 1959. Similar provisions are now contained in section 1332 of this title.

CROSS REFERENCES

Importation of intoxicating liquors into any State, Territory, or possession in violation of its laws prohibited, see section 2 of the 21st Amendment to the Constitution.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 742h.

§ 1332a. Importation of red cedar shingles

(a) Investigation by Commission

The United States International Trade Commission is directed to conduct an investigation as soon as practicable after the close of the calendar year 1939 and each calendar year thereafter, for the purpose of ascertaining the quantities of red cedar shingles shipped by producers in the United States and the quantities of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, during each of the three calendar years immediately preceding any such investigation.

(b) Duty on imported shingles; amount

If the Commission finds, on the basis of an investigation under subdivision (a) of this section, that in any calendar year after 1938 the quantity of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, was in excess of 30 per centum of the combined total for such year of the respective quantities ascertained in such investigation, it shall so report to the President. If the President approves the report of the Commission, he shall so proclaim, and on and after the day following the filing of such proclamation with the Division of the Federal Register and so long as any trade agreement entered into under the authority of section 1351 of this title, shall be in effect with respect to the importation into the United States of red cedar shingles, there shall be a duty upon imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, in any calendar year in excess of 30 per centum of the annual average for the preceding three calendar years of the combined total of the quantity of such shingles shipped by producers in the United States and of the quantity of such imported shingles entered for consumption, or withdrawn from warehouse for consumption. The rate of such duty shall be 25 cents per square. Any duty imposed under this section shall be treated for the purposes of all provisions of law relating to customs revenue as a duty imposed by section 1001 of this title, and shall not apply to shingles entered for consumption before the duty becomes applicable.

(c) Exemptions from duty

The quantity of red cedar shingles entitled to exemption from any duty imposed pursuant to this section shall be ascertained for each quota period by the Commission and reported to the Secretary of the Treasury.

(July 1, 1940, ch. 499, 54 Stat. 708; Jan. 3, 1975, Pub. L. 93-618, title I, § 171, 88 Stat. 2009.)

REFERENCES IN TEXT

Section 1001 of this title, referred to in subsec. (b), was repealed by Pub. L. 87-456, title I, § 101(a), May 24, 1962, 76 Stat. 72. See section 1202 of this title, Revised Tariff Schedules of United States.

CODIFICATION

This section was not enacted as a part of the Tariff Act of 1930, which comprises this chapter.

CHANGE OF NAME

The United States Tariff Commission was renamed the United States International Trade Commission by Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009, which is classified to section 2231 of this title.

§ 1333. Testimony and production of papers

(a) Authority to obtain information

For the purposes of carrying out its functions and duties in connection with any investigation authorized by law, the commission or its duly authorized agent or agents (1) shall have access to and the right to copy any document, paper, or record, pertinent to the subject matter under investigation, in the possession of any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation, (2) may summon witnesses, take testimony, and administer oaths, (3) may require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation, and (4) may require any person, firm, copartnership, corporation, or association, to furnish in writing, in such detail and in such form as the commission may prescribe, information in their possession pertaining to such investigation. Any member of the commission may sign subpenas, and members and agents of the commission, when authorized by the commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

(b) Witnesses and evidence

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpena the commission may invoke the aid of any district or territorial court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) Mandamus

At the request of the commission, any such court shall have jurisdiction to issue writs of mandamus commanding compliance with the provisions of this part or any order of the commission made in pursuance thereof.

(d) Depositions

The commission may order testimony to be taken by deposition in any proceeding or investigation pending before the commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person, firm, copartnership, corporation, or association, may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission, as hereinbefore provided.

(e) Fees and mileage of witnesses

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same, except employees of the commission, shall severally be entitled to the same fees and mileage as are paid for like services in the courts of the United States.

(f) Statements under oath

The commission is authorized, in order to ascertain any facts required by subdivision (d) of section 1332 of this title to require any importer and any American grower, producer, manufacturer, or seller to file with the commission a statement, under oath, giving his selling prices in the United States of any article imported, grown, produced, fabricated, manipulated, or manufactured by him.

(g) Representation in court proceedings

The Commission shall be represented in all judicial proceedings by attorneys who are employees of the Commission or, at the request of the Commission, by the Attorney General of the United States.

(June 17, 1930, ch. 497, title III, § 333, 46 Stat. 699; June 25, 1936, ch. 804, 49 Stat. 1921; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; Aug. 20, 1958, Pub. L. 85-686, § 9(a), (b), 72 Stat. 679; Oct. 15, 1970, Pub. L. 91-452, title II, § 229, 84 Stat. 930; Jan. 3, 1975, Pub. L. 93-618, title I, § 174, 88 Stat. 2011.)

Codification

As originally enacted subsec. (b) contained a reference to the Supreme Court of the District of Columbia. Act June 25, 1936, substituted "the district court of the United States for the District of Columbia" for "the Supreme Court of the District of Columbia", and act June 25, 1948, as amended by act May 24, 1949, substituted "United States District Court for the District of Columbia" for "district court of the United States for the District of Columbia". However, the words "United States District Court for the District of Columbia" have now been deleted entirely as superfluous in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that "There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district", and section 88 of Title 28 which states that "the District of Columbia constitutes one judicial district".

Prior Provisions

Provisions similar to those of this section were contained in act Sept. 8, 1916, ch. 463, § 706, 39 Stat. 797, as amended by act Sept. 21, 1922, ch. 356, title III, § 318(f), 42 Stat. 947. These acts were superseded by section 333 of the Tariff Act of 1930, comprising this section, and section 318(f) of the 1922 act was repealed by section 651(a)(1) of the 1930 act.

Amendments

1975—Subsec. (c). Pub. L. 93-618, § 174(1), substituted "At the request of" for "Upon application of the Attorney General of the United States, at the request of".

Subsec. (g). Pub. L. 93-618, § 174(2), added subsec. (g).

1970—Subsec. (e). Pub. L. 91-452 struck out the provisions relating to the immunity from prosecution of any natural person compelled to testify or produce evidence in obedience to the subpoena of the commission.

1958—Subsec. (a). Pub. L. 85-686, § 9(a), substituted "For the purposes of carrying out its functions and duties in connection with any investigation authorized by law" for "For the purposes of carrying Part II of this subtitle into effect", inserted provisions empowering the commission to require any person, firm, copartnership, corporation, or association to furnish in writing, in such detail and in such form as the commission may prescribe, information in their possession pertaining to an investigation.

Subsec. (d). Pub. L. 85-686, § 9(b), substituted "pending before the commission" for "pending under Part II of this subtitle".

Effective Date of 1970 Amendment

Amendment by Pub. L. 91-452 effective on the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

Savings Provision

Amendment by Pub. L. 91-452 not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before the sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

Cross References

Immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

Federal Rules of Civil Procedure

Application of, see rules 45, 81, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 1334. Cooperation with other agencies

The commission shall in appropriate matters act in conjunction and cooperation with the Treasury Department, the Department of Commerce, the Federal Trade Commission, or any other departments, or independent establishments of the Government, and such departments and independent establishments of the Government shall cooperate fully with the commission for the purposes of aiding and assisting in its work, and, when directed by the President, shall furnish to the commission, on its request, all records, papers, and information in their possession relating to any of the subjects of investigation by the commission and shall detail, from time to time, such officials and employees to said commission as he may direct.

(June 17, 1930, ch. 497, title III, § 334, 46 Stat. 700.)

Prior Provisions

Provisions similar to those of this section were contained in act Sept. 8, 1916, ch. 463, § 707, 39 Stat. 797. That section was superseded by section 334 of the Tariff Act of 1930, comprising this section.

Transfer of Functions

All executive and administrative functions of the Federal Trade Commission were, with certain reservations, transferred to the Chairman of such Commission by Reorg. Plan No. 8 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1264, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1335. Rules and regulations

The commission is authorized to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties.

(June 17, 1930, ch. 497, title III, § 335, as added Aug. 20, 1958, Pub. L. 85-686, § 9(c)(2), 72 Stat. 680.)

Prior Provisions

A prior section 335 of act June 17, 1930, which was formerly classified to this section, related to disclosure of trade secrets and prescribed penalty therefor, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is now covered by section 1905 of Title 18, Crimes and Criminal Procedure.

§ 1336. Equalization of costs of production

(a) Change of classification or duties

In order to put into force and effect the policy of Congress by this chapter intended, the commission (1) upon request of the President, or (2) upon resolution of either or both Houses of Congress, or (3) upon its own motion, or (4) when in the judgment of the commission there is good and sufficient reason therefor, upon application of any interested party, shall investigate the differences in the costs of production of any domestic article and of any like or similar foreign article. In the course of the investigation the commission shall hold hearing and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. The commission shall report to the President the results of the investigation and its findings with respect to such differences in costs of production. If the commission finds it shown by the investigation that the duties expressly fixed by statute do not equalize the differences in the costs of production of the domestic article and the like or similar foreign article when produced in the principal competing country, the commission shall specify in its report such increases or decreases in rates of duty expressly fixed by statute (including any necessary change in classification) as it finds shown by the investigation to be necessary to equalize such differences. In no case shall the total increase or decrease of such rates of duty exceed 50 per centum of the rates expressly fixed by statute.

(b) Change to American selling price

If the commission finds upon any such investigation that such differences cannot be equalized by proceeding as hereinbefore provided, it shall so state in its report to the President and shall specify therein such ad valorem rates of duty based upon the American selling price of the domestic article, as it finds shown by the investigation to be necessary to equalize such differences. In no case shall the total decrease of such rates of duty exceed 50 per centum of the rates expressly fixed by statute, and no such rate shall be increased.

(c) Proclamation by the President

The President shall by proclamation approve the rates of duty and changes in classification and in basis of value specified in any report of the commission under this section, if in his judgment such rates of duty and changes are shown by such investigation of the commission to be necessary to equalize such differences in costs of production.

(d) Effective date of rates and changes

Commencing thirty days after the date of any presidential proclamation of approval the increased or decreased rates of duty and changes in classification or in basis of value specified in the report of the commission shall take effect.

(e) Ascertainment of differences in costs of production

In ascertaining under this section the differences in costs of production, the commission shall take into consideration, in so far as it finds it practicable:

(1) In the case of a domestic article

(A) The cost of production as hereinafter in this section defined; (B) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; and (C) other relevant factors that constitute an advantage or disadvantage in competition.

(2) In the case of a foreign article

(A) The cost of production as hereinafter in this section defined, or, if the commission finds that such cost is not readily ascertainable, the commission may accept as evidence thereof, or as supplemental thereto, the weighted average of the invoice prices or values for a representative period and/or the average wholesale selling price for a representative period (which price shall be that at which the article is freely offered for sale to all purchasers in the principal market or markets of the principal competing country or countries in the ordinary course of trade and in the usual wholesale quantities in such market or markets); (B) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; (C) other relevant factors that constitute an advantage or disadvantage in competition, including advantages granted to the foreign producers by a government, person, partnership, corporation, or association in a foreign country.

(f) Modification of changes in duty

Any increased or decreased rate of duty or change in classification or in basis of value which has taken effect as above provided may be modified or terminated in the same manner and subject to the same conditions and limitations (including time of taking effect) as is provided in this section in the case of original increases, decreases, or changes.

(g) Prohibition against transfers from the free list to the dutiable list or from the dutiable list to the free list

Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Subtitle I of this chapter, or in any amendatory act, that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provisions of this section upon such articles shall exceed the maximum ad valorem rate so specified.

(h) Definitions

For the purpose of this section—

(1) The term "domestic article" means an article wholly or in part the growth or product of the United States; and the term "foreign article" means an article wholly or in part the growth or product of a foreign country.

(2) The term "United States" includes the several States and Territories and the District of Columbia.

(3) The term "foreign country" means any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions).

(4) The term "cost of production", when applied with respect to either a domestic article or a foreign article, includes, for a period which is representative of conditions in production of the article: (A) The price or cost of materials, labor costs, and other direct charges incurred in the production of the ar-

ticle and in the processes or methods employed in its production; (B) the usual general expenses, including charges for depreciation or depletion which are representative of the equipment and property employed in the production of the article and charges for rent or interest which are representative of the cost of obtaining capital or instruments of production; and (C) the cost of containers and coverings of whatever nature, and other costs, charges, and expenses incident to placing the article in condition packed ready for delivery.

(i) Rules and regulations of President

The President is authorized to make all needful rules and regulations for carrying out his functions under the provisions of this section.

(j) Rules and regulations of Secretary of Treasury

The Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary for the entry and declaration of foreign articles of the class or kind of articles with respect to which a change in basis of value has been made under the provisions of subdivision (b) of this section, and for the form of invoice required at time of entry.

(k) Investigations prior to June 17, 1930

All uncompleted investigations instituted prior to June 17, 1930, under the provisions of sections 154 to 159 of this title, including investigations in which the President has not proclaimed changes in classification or in basis of value or increases or decreases in rates of duty, shall be dismissed without prejudice; but the information and evidence secured by the commission in any such investigation may be given due consideration in any investigation instituted under the provisions of this section.

(June 17, 1930, ch. 497, title III, § 336, 46 Stat. 701; Aug. 2, 1956, ch. 887, § 2(d), 70 Stat. 946; Aug. 20, 1958, Pub. L. 85-686, § 9(c)(1), 72 Stat. 679.)

REFERENCES IN TEXT

Sections 154 to 159, referred to in subsec. (k), were repealed by section 651(a)(1) of act June 17, 1930.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in act Sept. 21, 1922, ch. 356, title III, § 315, 42 Stat. 941. That section was superseded by section 336 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

AMENDMENTS

1958—Subsec. (a). Pub. L. 85-686 eliminated provisions which authorized the commission to adopt such reasonable procedure and rules and regulations as it deemed necessary to execute its functions under this section. See section 1335 of this title.

1956—Subsec. (b). Act Aug. 2, 1956, eliminated "(as defined in section 1402(g))" following the words "selling price".

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act Aug. 2, 1956, effective only as to articles entered, or withdrawn from warehouse, for consumption on or after the thirtieth day following publication of the final list provided for in section 6(a) of said act, set out in note under section 1402 of this title, see section 8 of act Aug. 2, 1956, set out as an Effective Date note under section 1401a of this title.

CROSS REFERENCES

Section not to apply to any article with respect to which a foreign trade agreement has been concluded pursuant to section 1351 et seq. of this title, see section 1352 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1352, 1402, 1484 of this title.

§ 1337. Unfair practices in import trade

(a) Unfair methods of competition declared unlawful

Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are declared unlawful, and when found by the Commission to exist shall be dealt with, in addition to any other provisions of law, as provided in this section.

(b) Investigation of violations by Commission; time limits

(1) The Commission shall investigate any alleged violation of this section on complaint under oath or upon its initiative. Upon commencing any such investigation, the Commission shall publish notice thereof in the Federal Register. The Commission shall conclude any such investigation, and make its determination under this section, at the earliest practicable time, but not later than one year (18 months in more complicated cases) after the date of publication of notice of such investigation. The Commission shall publish in the Federal Register its reasons for designating any investigation as a more complicated investigation. For purposes of the one-year and 18-month periods prescribed by this subsection, there shall be excluded any period of time during which such investigation is suspended because of proceedings in a court or agency of the United States involving similar questions concerning the subject matter of such investigation.

(2) During the course of each investigation under this section, the Commission shall consult with, and seek advice and information from, the Department of Health, Education, and Welfare, the Department of Justice, the Federal Trade Commission, and such other departments and agencies as it considers appropriate.

(3) Whenever, in the course of an investigation under this section, the Commission has reason to believe, based on information before it, that the matter may come within the purview of section 1303 of this title or of the Antidumping Act, 1921 [19 U.S.C. 160 et seq.], it shall promptly notify the Secretary of the Treasury so that such action may be taken as is otherwise authorized by such section and such Act.

(c) Determinations; review

The Commission shall determine, with respect to each investigation conducted by it under this section, whether or not there is a violation of this section. Each determination under subsection (d) or (e) of this section shall be made on the record after notice and opportunity for a hearing in conformity with the provisions of subchapter II of chapter 5 of title 5. All legal and equitable defenses may be presented in all cases. Any person adversely affected by a final determination of the Commission under subsection (d) or (e) of this section may appeal such determination to the United States Court of Customs and Patent Appeals. Such court shall have jurisdiction to review such determination in the same manner and subject to the same limitations and conditions as in the case of appeals from decisions of the United States Customs Court.

(d) Exclusion of articles from entry

If the Commission determines, as a result of an investigation under this section, that there is violation of this section, it shall direct that the articles concerned, imported by any person violating the provision of this section, be excluded from entry into the United States, unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. The Commission shall notify the Secretary of the Treasury of its action under this subsection directing such exclusion from entry, and upon receipt of such notice, the Secretary shall, through the proper officers refuse such entry.

(e) Exclusion of articles from entry during investigation except under bond

If, during the course of an investigation under this section, the Commission determines that there is reason to believe that there is a violation of this section, it may direct that the articles concerned, imported by any person with respect to whom there is reason to believe that such person is violating this section, be excluded from entry into the United States, unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. The Commission shall notify the Secretary of the Treasury of its action under this subsection directing such exclusion from entry, and upon receipt of such notice, the Secretary shall, through the proper officers, refuse such entry, except that such articles shall be entitled to entry under bond determined by the Commission and prescribed by the Secretary.

(f) Cease and desist orders

In lieu of taking action under subsection (d) or (e) of this section, the Commission may issue and cause to be served on any person violating this section, or believed to be violating this section, as the case may be, an order directing such person to cease and desist from engaging in the unfair methods or acts involved, unless after considering the effect of such order upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such order should not be issued. The Commission may at any time, upon such notice and in such manner as it deems proper, modify or revoke any such order, and, in the case of a revocation, may take action under subsection (d) or (e) of this section, as the case may be.

(g) Referral to President

(1) If the Commission determines that there is a violation of this section, or that, for purposes of subsection (e) of this section, there is reason to believe that there is such a violation, it shall—

(A) publish such determination in the Federal Register, and

(B) transmit to the President a copy of such determination and the action taken under subsection (d), (e), or (f) of this section, with respect thereto, together with the record upon which such determination is based.

(2) If, before the close of the 60-day period beginning on the day after the day on which he receives a copy of such determination, the President, for policy reasons, disapproves such determination and notifies the Commission of his disapproval, then, effective on the date of such notice, such determination and the action taken under subsection (d), (e), or (f) of this section with respect thereto shall have no force or effect.

(3) Subject to the provisions of paragraph (2), such determination shall, except for purposes of subsection (c) of this section, be effective upon publication thereof in the Federal Register, and the action taken under subsection (d), (e), or (f) of this section, with respect thereto shall be effective as provided in such subsections, except that articles directed to be excluded from entry under subsection (d) of this section or subject to a cease and desist order under subsection (f) of this section shall be entitled to entry under bond determined by the Commission and prescribed by the Secretary until such determination becomes final.

(4) If the President does not disapprove such determination within such 60-day period, or if he notifies the Commission before the close of such period that he approves such determination, then, for purposes of paragraph (3) and subsection (c) of this section such determination shall become final on the day after the close of such period or the day on which the President notifies the Commission of his approval, as the case may be.

(h) Period of effectiveness

Except as provided in subsections (f) and (g) of this section, any exclusion from entry or order under this section shall continue in effect until the Commission finds, and in the case of exclusion from entry notifies the Secretary of the Treasury, that the conditions which led to such exclusion from entry or order no longer exist.

(i) Importation by or for United States

Any exclusion from entry or order under subsection (d), (e), or (f) of this section, in cases based on claims of United States letters patent, shall not apply to any articles imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government. Whenever any article would have been excluded from entry or would not have been entered pursuant to the provisions of such subsections but for the operation of this subsection, a patent owner adversely affected shall be entitled to reasonable and entire compensation in an action before the Court of Claims pursuant to the procedures of section 1498 of title 28.

(j) Definition of United States

For purposes of this section and sections 1338 and 1340 of this title, the term "United States" means the customs territory of the United States as defined in general headnote 2 of the Tariff Schedules of the United States.

(June 17, 1930, ch. 497, title III, § 337, 46 Stat. 703; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; Aug. 20, 1958, Pub. L. 85-686, § 9(c)(1), 72 Stat. 679; Jan. 3, 1975, Pub. L. 93-618, title III, § 341(a), 88 Stat. 2053.)

References in Text

The Antidumping Act, 1921, referred to in subsec. (b)(3), is act May 27, 1921, ch. 14, 42 Stat. 11, which is classified to sections 160 to 171 of this title. For complete classification of this Act to the Code, see Tables volume.

The Tariff Schedules of the United States, referred to in subsec. (j), are set out in section 1202 of this title.

Section 1340 of this title, referred to in subsec. (j), was eliminated as executed.

Codification

The reference to the Philippine Islands, formerly contained in subsec. (h), was omitted because of independence of the Philippines proclaimed by the President of the United States in Proc. No. 2695, issued pursuant to section 1394 of Title 22, Foreign Relations and Intercourse and set out as a note thereunder.

Prior Provisions

Provisions similar to those of this section were contained in act Sept. 21, 1922, ch. 356, title III, § 316, 42 Stat. 943. That section was superseded by section 337 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 act.

Amendments

1975—Subsec. (a) Pub. L. 93-618 substituted "Commission" for "President" and "as provided in this section" for "as hereinafter provided".

Subsec. (b). Pub. L. 93-618 designated existing provisions as the first sentence of par. (1), substituted "The Commission shall investigate any alleged violation of this section" for "To assist the President in making any decisions under this section the commission is authorized to investigate any alleged violation hereof" in the first sentence of par. (1) as so designated, and added the remainder of par. (1) and pars. (2) and (3).

Subsec. (c). Pub. L. 93-618 substituted provisions covering determinations by the Commission and appeals to the United States Court of Customs and Patent Appeals for provisions covering all aspects of hearings and review as part of investigations of unfair practices in import trade.

Subsec. (d). Pub. L. 93-618 substituted provisions covering the exclusion of articles from entry, formerly covered in subsec. (e), for provisions directing that final findings of the Commission be transmitted with the record to the President, now covered by subsec. (g).

Subsec. (e). Pub. L. 93-618 substituted provisions covering the entry of articles under bond during investigation, formerly covered in subsec. (f), for provisions covering the exclusion of articles from entry, now covered by subsec. (d).

Subsec. (f). Pub. L. 93-618 added subsec. (f). Provisions of former subsec. (f) covering entry of articles under bond are now covered by subsec. (e).

Subsec. (g). Pub. L. 93-618 substituted provisions covering referral to the President, formerly covered by subsec. (d), for provisions covering the continuance of exclusion, now covered by subsec. (h).

Subsec. (h). Pub. L. 93-618 substituted provisions covering the period of effectiveness, formerly covered by subsec. (g), for provisions defining "United States", now covered by subsec. (j).

Subsec. (i). Pub. L. 93-618 added subsec. (i).

Subsec. (j). Pub. L. 93-618 added subsec. (j) defining "United States", formerly covered by subsec. (h).

1958—Subsec. (c). Pub. L. 85-686 eliminated "under and in accordance with such rules as it may promulgate" which followed "commission shall make such investigation". See section 1335 of this title.

Effective Date of 1975 Amendment

Section 341(c) of Pub. L. 93-618 provided that: "The amendments made by this section [amending this section and section 1332 of this title] shall take effect on the 90th day after the date of the enactment of this Act [Jan. 3, 1975], except that, for purposes of issuing regulations under section 337 of the Tariff Act of 1930 [this section], such amendments shall take effect on the date of the enactment of this Act [Jan. 3, 1975]. For purposes of applying section 337(b) of the Tariff Act of 1930 [subsec. (b) of this section] (as amended by subsection (a) [as amended by section 341(a) of Pub. L. 93-618]) with respect to investigations being conducted by the International Trade Commission under section 337 of the Tariff Act [this section] on the day prior to the 90th day after the date of the enactment of this Act [Jan. 3, 1975], such investigations shall be considered as having been commenced on such 90th day."

Section Referred to in Other Sections

This section is referred to in sections 1332, 1337a, 2251 of this title; title 28 section 1543.

§ 1337a. Importation of products produced under process covered by claims of unexpired patent

The importation for use, sale, or exchange of a product made, produced, processed, or mined under or by means of a process covered by the claims of any unexpired valid United States letters patent, shall have the same status for the purposes of section 1337 of this title as the importation of any product or article covered by the claims of any unexpired valid United States letters patent.

(July 2, 1940, ch. 515, 54 Stat. 724.)

Codification

Section was not enacted as part of the Tariff Act of 1930 which constitutes this chapter.

§ 1338. Discrimination by foreign countries

(a) Additional duties

The President when he finds that the public interest will be served shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of, or imported in a vessel of, any foreign country whenever he shall find as a fact that such country—

(1) Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any article wholly or in part the growth or product of the United States any unreasonable charge, exaction, regulation, or limita-

tion which is not equally enforced upon the like articles of every foreign country; or

(2) Discriminates in fact against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country.

(b) Exclusion from importation

If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subdivision (a) of this section, maintained or increased its said discriminations against the commerce of the United States, the President is authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such products of said country or such articles imported in its vessels as he shall deem consistent with the public interests shall be excluded from importation into the United States.

(c) Application of proclamation

Any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation.

(d) Duties to offset commercial disadvantages

Whenever the President shall find as a fact that any foreign country places any burden or disadvantage upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burden or disadvantage, not to exceed 50 per centum ad valorem or its equivalent, on any products of, or on articles imported in a vessel of, such foreign country; and thirty days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation.

(e) Duties to offset benefits to third country

Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset such benefits, not to exceed 50 per centum ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles; and on and after thirty days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles.

(f) Forfeiture of articles

All articles imported contrary to the provisions of this section shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. Whenever the provisions of this chapter shall be applicable to importations into the United States of articles wholly or in part the growth or product of any foreign country, they shall be applicable thereto whether such articles are imported directly or indirectly.

(g) Ascertainment by Commission of discriminations

It shall be the duty of the commission to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subdivisions (a), (b), and (e) of this section are practiced by any country; and if and when such discriminatory acts are disclosed, it shall be the duty of the commission to bring the matter to the attention of the President, together with recommendations.

(h) Rules and regulations of Secretary of Treasury

The Secretary of the Treasury with the approval of the President shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of this section.

(i) Definition

When used in this section the term "foreign country" means any empire, country, dominion, colony or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions), within which separate tariff rates or separate regulations of commerce are enforced.

(June 17, 1930, ch. 497, title III, § 338, 46 Stat. 704.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in act Sept. 21, 1922, ch. 356, title III, § 317, 42

Stat. 944. That section was superseded by section 338 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1337 of this title.

§ 1339. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 648

Section, act June 17, 1930, ch. 497, title III, § 339, 46 Stat. 706, related to effect of repeal and reenactment of laws relating to Tariff Commission upon status of appropriations, employees, and privileges.

§ 1340. Omitted

CODIFICATION

Section, act June 17, 1930, ch. 497, title III, § 340, 46 Stat. 706, related to the preparation of a certain report by the commission to Congress. See Tariff Commission Reports, No. 46, Parts 1 to 8.

§ 1341. Interference with functions of Commission

(a) Interfering with or influencing the Commission or its employees

It shall be unlawful for any person (1) to prevent or attempt to prevent, by force, intimidation, threat, or in any other manner, any member or employee of the commission from exercising the functions imposed upon the commission by this subtitle, or (2) to induce, or attempt to induce, by like means any such member or employee to make any decision or order, or to take any action, with respect to any matter within the authority of the commission.

(b) Penalty

Any person who violates any of the provisions of this section shall, upon conviction thereof, be fined not more than $1,000 or imprisonment for not more than one year, or both.

(c) Definition

As used in this section the term "person" includes an individual, corporation, association, partnership, or any other organization or group of individuals.

(June 17, 1930, ch. 497, title III, § 341, 46 Stat. 707.)

PART III—PROMOTION OF FOREIGN TRADE

§ 1351. Foreign trade agreements

(a) Authority of President; modification and decrease of duties; altering import restrictions

(1) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

(A) To enter into foreign trade agreements with foreign governments or instrumentalities thereof: *Provided,* That the enactment of the Trade Agreements Extension Act of 1955 shall not be construed to determine or indicate the approval or disapproval by the Congress of the executive agreement known as the General Agreement on Tariffs and Trade.

(B) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder.

(2) No proclamation pursuant to paragraph (1)(B) of this subsection shall be made—

(A) Increasing by more than 50 per centum any rate of duty existing on July 1, 1934; except that a specific rate of duty existing on July 1, 1934, may be converted to its ad valorem equivalent based on the value of imports of the article concerned during the calendar year 1934 (determined in the same manner as provided in subparagraph (D)(ii)) and the proclamation may provide an ad valorem rate of duty not in excess of 50 per centum above such ad valorem equivalent.

(B) Transferring any article between the dutiable and free lists.

(C) In order to carry out a foreign trade agreement entered into by the President before June 12, 1955, or with respect to which notice of intention to negotiate was published in the Federal Register on November 16, 1954, decreasing by more than 50 per centum any rate of duty existing on January 1, 1945.

(D) In order to carry out a foreign trade agreement entered into by the President on or after June 12, 1955, and before July 1, 1958, decreasing (except as provided in subparagraph (C) of this paragraph) any rate of duty below the lowest of the following rates:

(i) The rate 15 per centum below the rate existing on January 1, 1955.

(ii) In the case of any article subject to an ad valorem rate of duty above 50 per centum (or a combination of ad valorem rates aggregating more than 50 per centum), the rate 50 per centum ad valorem (or a combination of ad valorem rates aggregating 50 per centum). In the case of any article subject to a specific rate of duty (or a combination of rates including a specific rate) the ad valorem equivalent of which has been determined by the President to have been above 50 per centum during a period determined by the President to be a representative period, the rate 50 per centum ad valorem or the rate (or a combination of rates), however stated, the ad valorem equivalent of which the President determines would have been 50 per centum during such period. The standards of valuation contained in section 1401a or 1402 of this title (as in effect, with respect to the article concerned, during the representative period) shall be utilized by the President, to the maximum extent he finds such utilization practicable, in making the determinations under the preceding sentence.

(E) In order to carry out a foreign trade agreement entered into by the President on or after July 1, 1958, decreasing any rate of duty below the lowest of the rates provided for in paragraph (4)(A) of this subsection.

(3)(A) Subject to the provisions of subparagraphs (B) and (C) of this paragraph and of subparagraph (B) of paragraph (4) of this subsection, the provisions of any proclamation made under paragraph (1)(B) of this subsection, and the provisions of any proclamation of suspension under paragraph (5) of this subsection, shall be in effect from and after such time as is specified in the proclamation.

(B) In the case of any decrease in duty to which paragraph (2)(D) of this subsection applies—

(i) if the total amount of the decrease under the foreign trade agreement does not exceed 15 per centum of the rate existing on January 1, 1955, the amount of decrease becoming initially effective at one time shall not exceed 5 per centum of the rate existing on January 1, 1955;

(ii) except as provided in clause (i), not more than one-third of the total amount of the decrease under the foreign trade agreement shall become initially effective at one time; and

(iii) no part of the decrease after the first part shall become initially effective until the immediately previous part shall have been in effect for a period or periods aggregating not less than one year.

(C) No part of any decrease in duty to which the alternative specified in paragraph (2)(D)(i) of this subsection applies shall become initially effective after the expiration of the three-year period which begins on July 1, 1955. If any part of such decrease has become effective, then for purposes of this subparagraph any time thereafter during which such part of the decrease is not in effect by reason of legislation of the United States or action thereunder shall be excluded in determining when the three-year period expires.

(D) If (in order to carry out a foreign trade agreement entered into by the President on or after June 12, 1955) the President determines that such action will simplify the computation of the amount of duty imposed with respect to an article, he may exceed any limitation specified in paragraph (2)(C) or (D) or paragraph (4)(A) or (B) of this subsection or subparagraph (B) of this paragraph by not more than whichever of the following is lesser:

(i) The difference between the limitation and the next lower whole number, or

(ii) One-half of 1 per centum ad valorem.

In the case of a specific rate (or of a combination of rates which includes a specific rate), the one-half of 1 per centum specified in clause (ii) of the preceding sentence shall be determined in the same manner as the ad valorem equivalent of rates not stated wholly in ad valorem terms is determined for the purposes of paragraph (2)(D)(ii) of this subsection.

(4)(A) No proclamation pursuant to paragraph (1)(B) of this subsection shall be made, in order to carry out a foreign trade agreement entered into by the President on or after July 1, 1958, decreasing any rate of duty below the lowest of the following rates:

(i) The rate which would result from decreasing the rate existing on July 1, 1958, by 20 per centum of such rate.

(ii) Subject to paragraph (2)(B) of this subsection, the rate 2 per centum ad valorem below the rate existing on July 1, 1958.

(iii) The rate 50 per centum ad valorem or, in the case of any article subject to a specific rate of duty or to a combination of rates including a specific rate, any rate (or combination of rates), however stated, the ad valorem equivalent of which has been determined as 50 per centum ad valorem.

The provisions of clauses (ii) and (iii) of this subparagraph and of subparagraph (B)(ii) of this paragraph shall, in the case of any article, subject to a combination of ad valorem rates of duty, apply to the aggregate of such rates; and, in the case of any article, subject to a specific rate of duty or to a combination of rates including a specific rate, such provisions shall apply on the basis of the ad valorem equivalent of such rate or rates, during a representative period (whether or not such period includes July 1, 1958), determined in the same manner as the ad valorem equivalent of rates not stated wholly in ad valorem terms is determined for the purpose of paragraph (2)(D)(ii) of this subsection.

(B)(i) In the case of any decrease in duty to which clause (i) of subparagraph (A) of this paragraph applies, such decrease shall become initially effective in not more than four annual stages, and no amount of decrease becoming initially effective at one time shall exceed 10 per centum of the rate of duty existing on July 1, 1958, or, in any case in which the rate has been increased since that date, exceed such 10 per centum or one-third of the total amount of the decrease under the foreign trade agreement, whichever is the greater.

(ii) In the case of any decrease in duty to which clause (ii) of subparagraph (A) of this paragraph applies, such decrease shall become initially effective in not more than four annual stages, and no amount of decrease becoming initially effective at one time shall exceed 1 per centum ad valorem or, in any case in which the rate has been increased since July 1, 1958, exceed such 1 per centum or one-third of the total amount of the decrease under the foreign trade agreement, whichever is the greater.

(iii) In the case of any decrease in duty to which clause (iii) of subparagraph (A) of this paragraph applies, such decrease shall become initially effective in not more than four annual stages, and no amount of decrease becoming initially effective at one time shall exceed one-third of the total amount of the decrease under the foreign trade agreement.

(C) In the case of any decrease in duty to which subparagraph (A) of this paragraph applies (i) no part of a decrease after the first part shall become initially effective until the immediately previous part shall have been in effect for a period or periods aggregating not less than one year, nor after the first part shall have been in effect for a period or periods aggregating more than three years, and (ii) no part of a decrease shall become initially effective after the expiration of the four-year period which begins on July 1, 1962. If any part of a decrease has become effective, then for the purposes of clauses (i) and (ii) of the preceding sentence any time thereafter during which such part of the decrease is not in effect by reason of legislation of the United States or action thereunder shall be excluded in determining when the three-year period or the four-year period, as the case may be, expires.

(5) Repealed. Pub. L. 87-794, title II, § 257(b), Oct. 11, 1962, 76 Stat. 882.

(6) The President may at any time terminate, in whole or in part, any proclamation made pursuant to this section.

(b) Cuba; preferential customs treatment; decrease of rates

Nothing in this section or the Trade Expansion Act of 1962 [19 U.S.C. 1801 et seq.] shall be construed to prevent the application, with respect to rates of duty established under this section or the Trade Expansion Act of 1962 pursuant to agreements with countries other than Cuba, of the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902, or to preclude giving effect to an agreement with Cuba concluded under this section or the Trade Expansion Act of 1962, modifying the existing preferential customs treatment of any article the growth, produce, or manufacture of Cuba. Nothing in this chapter or the Trade Expansion Act of 1962 shall be construed to preclude the application to any product of Cuba (including products preferentially free of duty) of a rate of duty not higher than the rate applicable to the like products of other foreign countries (except the Philippines), whether or not the application of such rate involves any preferential customs treatment. No rate of duty on products of Cuba shall be decreased—

(1) In order to carry out a foreign trade agreement entered into by the President before June 12, 1955, by more than 50 per centum of the rate of duty existing on January 1, 1945, with respect to products of Cuba.

(2) In order to carry out a foreign trade agreement entered into by the President on or after June 12, 1955, and before July 1, 1962, below the applicable alternative specified in subsection (a)(2)(C) or (D) or (4)(A) of this section (subject to the applicable provisions of subsection (a)(3)(B), (C), and (D) and (4)(B) and (C) of this section), each such alternative to be read for the purposes of this paragraph as relating to the rate of duty applicable to products of Cuba. With respect to products of Cuba, the limitation of subsection (a)(2)(D)(ii) or (4)(A)(iii) of this section may be exceeded to such extent as may be required to maintain an absolute margin of preference to which such products are entitled.

(3) In order to carry out a foreign trade agreement entered into after June 30, 1962, and before July 1, 1967, below the lowest rate permissible by applying title II of the Trade Expansion Act of 1962 [19 U.S.C. 1821 et seq.] to the rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) existing on July 1, 1962, with respect to such product.

(c) Definitions

(1) As used in this section, the term "duties and other import restrictions" includes (A) rate and form of import duties and classification of articles, and (B) limitations, prohibitions, charges, and exactions other than duties, imposed on importation or imposed for the regulation of imports.

(2) For purposes of this section—

(A) Except as provided in subsection (d) of this section, the terms "existing on July 1, 1934", "existing on January 1, 1945", "existing on January 1, 1955", and "existing on July 1, 1958" refer to rates of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) existing on the date specified, except rates in effect by reason of action taken pursuant to section 1362 of this title.

(B) The term "existing" without the specification of any date, when used with respect to any matter relating to the conclusion of, or proclamation to carry out, a foreign trade agreement, means existing on the day on which that trade agreement is entered into.

(d) Rate basis for additional increases or decreases; restoration of terminated treaties forbidden

(1) When any rate of duty has been increased or decreased for the duration of war or an emergency, by agreement or otherwise, any further increase or decrease shall be computed upon the basis of the post-war or post-emergency rate carried in such agreement or otherwise.

(2) Where under a foreign trade agreement the United States has reserved the unqualified right to withdraw or modify, after the termination of war or an emergency, a rate on a specific commodity, the rate on such commodity to be considered as "existing on January 1, 1945" for the purpose of this section shall be the rate which would have existed if the agreement had not been entered into.

(3) No proclamation shall be made pursuant to this section for the purpose of carrying out any foreign trade agreement the proclamation with respect to which has been terminated in whole by the President prior to July 5, 1945.

(e) Repealed. Pub. L. 87-794, title II, § 257(b), Oct. 11, 1962, 76 Stat. 882

(f) Information and advice from industry, agriculture, and labor

It is declared to be the sense of the Congress that the President, during the course of negotiating any foreign trade agreement under this section, should seek information and advice with respect to such agreement from representatives of industry, agriculture, and labor.

(June 17, 1930, ch. 497, title III, § 350, as added June 12, 1934, ch. 474, § 1, 48 Stat. 943, and amended June 7, 1943, ch. 118, § 2, 57 Stat. 125; July 5, 1945, ch. 269, §§ 2, 3, 59 Stat. 410; Sept. 26, 1949, ch. 585, §§ 4, 6, 63 Stat. 698; June 21, 1955, ch. 169, § 3, 69 Stat. 162; Aug. 20, 1958,

Pub. L. 85-686, § 3, 72 Stat. 673; Oct. 11, 1962, Pub. L. 87-794, title II, § 257(a), (b), 76 Stat. 881, 882.)

REFERENCES IN TEXT

The Trade Agreements Extension Act of 1955, referred to in subsec. (a)(1)(A), is act June 21, 1955, ch. 169, 69 Stat. 162, which is classified to sections 1351(a), (b), (c), (e), 1352(c), 1352a, 1363(b), and 1364(a), (b), (e) of this title. For complete classification of this Act to the Code, see Short Title note set out under this section and Tables volume.

Paragraph (5) of this subsection, referred to in subsec. (a)(3)(A), was repealed by Pub. L. 87-794, title III, § 257(b), Oct. 11, 1962, 76 Stat. 882.

The Trade Expansion Act of 1962, referred to in subsec. (b), is Pub. L. 87-794, Oct. 11, 1962, 76 Stat. 872, which is classified generally to chapter 7 (§ 1801 et seq.) of this title. Title II of the Trade Expansion Act of 1962, also referred to in subsec. (b), is classified generally to subchapter II (§ 1821 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables volume.

Section 1362 of this title, referred to in subsec. (c)(2)(A), related to suspension or withdrawal of concessions from Communistic areas and was repealed by Pub. L. 87-794, title II, § 257(e)(1), Oct. 11, 1962, 76 Stat. 882.

AMENDMENTS

1962—Subsec. (a)(5). Pub. L. 87-794, § 257(b), repealed subsec. (a)(5), which provided that, subject to the provisions of section 1362 of this title, duties and other import restrictions proclaimed pursuant to this section shall apply to all articles the growth, produce, or manufacture of all foreign countries, whether imported directly or indirectly, and required the President to suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts (including the operations of international cartels) or policies which in his opinion tend to defeat the purposes of this section.

Subsec. (b). Pub. L. 87-794, § 257(a), inserted references to the Trade Expansion Act of 1962 in the first and second sentences, substituted "1955, and before July 1, 1962" for "1955" in par. (2), and added par. (3).

Subsec. (e). Pub. L. 87-794, § 257(b), repealed former subsec. (e), which related to reports to Congress by the President and the Tariff Commission.

1958—Subsec. (a)(2)(A). Pub. L. 85-686, § 3(a)(1), substituted "any rate of duty existing on July 1, 1934" for "any rate of duty existing on July 1, 1945", and inserted provisions permitting conversion of a specific rate of duty existing on July 1, 1934, to its ad valorem equivalent, and allowing an ad valorem rate of duty not in excess of 50 per centum above such ad valorem equivalent.

Subsec. (a)(2)(D). Pub. L. 85-686, § 3(a)(2),(3), inserted "and before July 1, 1958," following "June 12, 1955", in the opening par., and substituted "section 1401a or 1402 of this title (as in effect, with respect to the article concerned," for "section 1402 of this title (as in effect".

Subsec. (a)(2)(E). Pub. L. 85-686, § 3(a)(4), added subsec. (a)(2)(E).

Subsec. (a)(3)(A). Pub. L. 85-686, § 3(a)(5), inserted "and of subparagraph (B) of paragraph 4 of this subsection" following "subparagraphs (B) and (C) of this paragraph", and substituted "suspension under paragraph (5)" for "suspension under paragraph (4)".

Subsec. (a)(3)(D). Pub. L. 85-686, § 3(a)(6), inserted "or paragraph (4)(A) or (B)" following "paragraph (2)(C) or (D)".

Subsec. (a)(4). Pub. L. 85-686, § 3(a)(8), added subsec. (a)(4).

Subsecs. (a)(5) and (a)(6), formerly (a)(4) and (a)(5), so designated by Pub. L. 85-686, § 3(a)(7).

Subsec. (b). Pub. L. 85-686, § 3(b)(1), substituted "an agreement with Cuba" for "an exclusive agreement with Cuba" in the opening paragraph.

Subsec. (b)(2). Pub. L. 85-686, § 3(b)(2), inserted "or (4)(A)" following "subsection (a)(2)(C) or (D)", "and (4)(B) and (C)" following "subsection (a)(3)(B), (C), and (D)", and "or (4)(A)(iii)" following "subsection (a)(2)(D)(ii)".

Subsec. (c)(2)(A). Pub. L. 85-686, § 3(c), defined the terms "existing on July 1, 1934" and "existing on July 1, 1958".

Subsec. (e)(1). Pub. L. 85-686, § 3(d), provided for the inclusion in the report of the results of action taken to obtain removal of foreign trade restrictions (including discriminatory restrictions) against United States exports, remaining restrictions, and the measures available to seek their removal in accordance with the objectives of this section.

Subsec. (f). Pub. L. 85-686, § 3(e) added subsec. (f).

1955—Subsec. (a). Act June 21, 1955, § 3(a), among other changes, authorized the President to reduce tariff rates existing on January 1, 1955 by a total of 15 percent in stages of not more than 5 percent of such rates, or to reduce those rates which are higher than 50 percent of the value of an import to a rate not less than 50 percent, in stages of not more than one-third of the reduction in any one year.

Subsec. (b). Act June 21, 1955, § 3(b), made applicable to Cuban products the new limits of authority to reduce tariffs.

Subsec. (c). Act June 21, 1955, § 3(c), designated former subsec. (c) as subd. (1), and added subd. (2).

Subsec. (e). Act June 21, 1955, § 3(d), added subsec. (e).

1949—Subsec. (a). Act Sept. 26, 1949, deleted obsolete language referring to the depression which existed at the time of the original enactment of section.

Subsec. (b). Act Sept. 26, 1949, substituted period for colon following Cuba, deleted the proviso which followed, and inserted in lieu thereof the last two sentences.

1945—Subsec. (a)(2). Act July 5, 1945, omitted "existing" following "per centum any", and added ", however established, existing on January 1, 1945 (even though temporarily suspended by Act of Congress)," following "rate of duty".

Subsec. (b). Act July 5, 1945, struck out "payable" following "That the duties", and substituted "however established, existing on January 1, 1945 (even though temporarily suspended by Act of Congress)." for "now payable thereon" in the proviso.

Subsec. (d). Act July 5, 1945, added subsec. (d).

1943—Subsec. (a)(2). Act June 7, 1943, inserted matter within parentheses in proviso.

SHORT TITLE

Pub. L. 85-686, § 1, provided that: "This Act [adding section 1335 of this title, amending sections 1333, 1336, 1337, 1351, 1352a, 1360, and 1364 of this title, and enacting provisions set out as notes under sections 1351 and 1352 of this title] may be cited as the 'Trade Agreements Extension Act of 1958'."

Act June 21, 1955, § 1, provided that: "This Act [amending sections 1351, 1352, 1352a, 1363, and 1364 of this title] may be cited as the 'Trade Agreements Extension Act of 1955'."

Act Sept. 26, 1949, § 1, provided that: "That Act [amending sections 1351, 1352, and 1354 of this title, and repealing sections 1357 to 1359 of this title] may be cited as the 'Trade Agreements Extension Act of 1949'."

TREATY BETWEEN UNITED STATES AND CUBA

The treaty concluded between the United States and the Republic of Cuba, on Dec. 11, 1902, referred to in subsec. (b) of the text, was terminated Aug. 21, 1963, pursuant to notice given by the United States on Aug. 21, 1962. See Bevans, Treaties and Other International Agreements of the United States of America, 1776-1949, vol. VI, page 1106.

Tariff Treatment of Cuban Products

Section 401 of Pub. L. 87-456, title IV, May 24, 1962, 76 Stat. 78, provided that:

"(a) Cuba is hereby declared to be a nation described in section 5 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1362, relating to imports from nations and areas dominated or controlled by the foreign government or foreign organization controlling the world Communist movement). Articles which are—

"(1) the growth, produce, or manufacture of Cuba, and

"(2) imported on or after the date of enactment of this Act [May 24, 1962],

shall be denied the benefits of concessions contained in any trade agreement entered into under the authority of section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351).

"(b) Nothing in subsection (a) shall affect the rates of duty or the customs or excise treatment of articles the growth, produce, or manufacture of any country other than Cuba.

"(c) Subsection (a) shall not apply on or after the date on which the President proclaims that he has determined that Cuba is no longer dominated or controlled by the foreign government or foreign organization controlling the world Communist movement.

"(d) The Act of December 17, 1903 (19 U.S.C. 124, 125), and section 316 of the Tariff Act of 1930, as amended (19 U.S.C. 1316), both relating to the implementation of the treaty with Cuba concluded on December 11, 1902, shall not apply during the period during which subsection (a) applies."

Administration of Trade Agreements Program

For provisions relating to the administration of the trade agreements program, see Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of this title.

Congressional Approval or Disapproval of General Agreement on Tariffs and Trade

Section 10 of Pub. L. 85-686 provided that: "The enactment of this Act [adding section 1335 of this title, amending sections 1333, 1336, 1337, 1351, 1352a, 1360 and 1364 of this title, and enacting notes set out under this section and section 1352 of this title] shall not be construed to determine or indicate the approval or disapproval by the Congress of the executive agreement known as the General Agreement on Tariffs and Trade."

Reduction of Protection Resulting From 1956 Amendments

Section 2(e) of act Aug. 2, 1956, ch. 887, 70 Stat. 946, provided that: "In any action relating to tariff adjustments by executive action, including action taken pursuant to section 350 of the Tariff Act of 1930, as amended [this section] the United States Tariff Commission [now United States International Trade Commission] and each officer of the executive branch of the Government concerned shall give full consideration to any reduction in the level of tariff protection which has resulted or is likely to result from the amendment of section 402 of the Tariff Act of 1930 made by this Act [sections 1401a and 1402 of this title]."

Section 2(e) of act Aug. 2, 1956, effective only as to articles entered, or withdrawn from warehouse, for consumption on or after the thirtieth day following publication of the final list provided for in section 6(a) of said act Aug. 2, 1956, set out in note under section 1402 of this title, see note set out under section 1401a of this title.

Commission on Foreign Economic Policy

Act Aug. 7, 1953, ch. 348, title III, §§ 301, to 310, 67 Stat. 473, as amended by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 657, provided for the establishment of a Commission on Foreign Economic Policy to examine and report on the subjects of international trade and its enlargement consistent with a sound domestic economy, our foreign economic policy, and the trade aspects of our national security and total foreign policy, and to recommend appropriate policies and measures. The Commission was to submit a report on its findings within 60 days after the second session of the 83rd Congress was convened, and was to expire 90 days after the submission of its report to Congress.

Extension of Presidential Authority

Authority of the President to enter into trade agreements under this section extended until the close of Dec. 31, 1962, see note under section 1352 of this title.

Cross References

Congressional approval or disapproval of GATT, see section 1366 of this title.

Trade agreements with the Republic of the Philippines, see section 1376 of Title 22, Foreign Relations and Intercourse.

Executive Order No. 9832

Executive Order No. 9832, Feb. 25, 1947, 12 F.R. 1363, revoked by Executive Order No. 10004, Oct. 6, 1948, 13 F.R. 5851.

Executive Order No. 10004

Executive Order No. 10004, Oct. 6, 1948, 13 F.R. 5851, superseded by Executive Order No. 10082, Oct. 5, 1949, 14 F.R. 6105.

Executive Order No. 10082

Ex. Ord. No. 10082, Oct. 5, 1949, 14 F.R. 6105, as amended by Ex. Ord. No. 10170, Oct. 13, 1950, 15 F.R. 6901, which related to administrative procedures for reciprocal trade-agreements program, was revoked by Ex. Ord. No. 11075, Jan. 15, 1963, 28 F.R. 473, set out as a note under section 1801 of this title.

Executive Order No. 10741

Executive Order No. 10741, Nov. 26, 1957, 22 F.R. 9451, which established the Trade Policy Committee, was revoked by Ex. Ord. No. 11075, Jan. 15, 1963, 28 F.R. 473, set out as a note under section 1801 of this title.

Section Referred to in Other Sections

This section is referred to in sections 1304, 1352, 1360, 1361, 1862, 1881, 1981, 2135, 2171 of this title; title 16 section 742g; title 22 sections 1357, 1376.

§ 1352. Equalization of costs of production

(a) Application to importation of articles under foreign-trade agreement

The provisions of section 1336 of this title shall not apply to any article with respect to the importation of which into the United States a foreign-trade agreement has been concluded pursuant to this part or the Trade Expansion Act of 1962 [19 U.S.C. 1801 et seq.] or the Trade Act of 1974 [19 U.S.C. 2101 et seq.] or to any provision of any such agreement. The third paragraph of section 1311 of this title shall apply to any agreement concluded pursuant to this part or the Trade Expansion Act of 1962 to the extent only that such agreement assures to the United States a rate of duty on wheat flour produced in the United States which is preferential in respect to the lowest rate of duty imposed by the country with which such agreement has been concluded on like flour produced in any other country; and upon the withdrawal of wheat flour from bonded manufacturing warehouses for exportation to the country with which such agreement has been concluded, there shall be levied, collected, and paid on the imported wheat used, a duty equal to the amount of such assured preference.

(b) Termination of foreign trade agreement

Every foreign trade agreement concluded pursuant to this part shall be subject to termination, upon due notice to the foreign government concerned, at the end of not more than three years from the date on which the agreement comes into force, and, if not then terminated, shall be subject to termination thereafter upon not more than six months' notice.

(c) Termination of authority of President

The authority of the President to enter into foreign trade agreements under section 1351 of this title shall terminate on June 30, 1958.

(June 12, 1934, ch. 474, § 2, 48 Stat. 944; Mar. 1, 1937, ch. 22, 50 Stat. 24; Apr. 12, 1940, ch. 96, 54 Stat. 107; June 7, 1943, ch. 118, § 1, 57 Stat. 125; July 5, 1945, ch. 269, § 1, 59 Stat. 410; Sept. 26, 1949, ch. 585, § 3, 63 Stat. 698; June 16, 1951, ch. 141, §§ 2, 9(a), 65 Stat. 72, 75; Aug. 7, 1953, ch. 348, title I, § 101, 67 Stat. 472; July 1, 1954, ch. 445, § 1, 68 Stat. 360; June 21, 1955, ch. 169, § 2, 69 Stat. 162; Oct. 11, 1962, Pub. L. 87-794, title II, § 257(d), 76 Stat. 882; Jan. 3, 1975, Pub. L. 93-618, title VI, § 602(a), 88 Stat. 2072.)

REFERENCES IN TEXT

The Trade Expansion Act of 1962, referred to in subsec. (a), is Pub. L. 87-794, Oct. 11, 1962, 76 Stat. 872, which is classified generally to chapter 7 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables volume.

The Trade Act of 1974, referred to in subsec. (a), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to chapter 12 (§ 2101 et seq.) of this title. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of this title and Tables volume.

AMENDMENTS

1975—Subsec. (a). Pub. L. 93-618 added reference to the Trade Act of 1974.

1962—Subsec. (a). Pub. L. 87-794 inserted references to agreements concluded pursuant to the Trade Expansion Act of 1962.

1955—Subsec. (c). Act June 21, 1955, extended the President's authority from June 12, 1955, to June 30, 1958.

1954—Subsec. (c). Act July 1, 1954, extended the President's authority from June 12, 1954, to June 12, 1955.

1953—Subsec. (c). Act Aug. 7, 1953, extended the President's authority from June 12, 1953, to June 12, 1954.

1951—Subsec. (a). Act June 16, 1951, substituted "section 1336 of this title" for "sections 1336 and 1516(b) of this title".

Subsec. (c). Act June 16, 1951, extended President's authority from June 12, 1951, to June 12, 1953.

1949—Subsec. (c). Act Sept. 26, 1949, § 3, extended President's authority from June 12, 1948, to June 12, 1951.

1945—Subsec. (c). Act. July 5, 1945, extended the President's authority from 1945 to 1948.

1943—Subsec. (c). Joint Res. June 7, 1943, extended the President's authority from 1943 to 1945.

1940—Subsec. (c). Joint Res. Apr. 12, 1940, extended the President's authority from June 12, 1940, to June 12, 1943.

1937—Subsec. (c). Act Mar. 1, 1937, substituted "1937" for "1934".

SHORT TITLE

Act Aug. 7, 1953, § 1, provided: "That this Act [amending this section, sections 1330, and 1364 of this title, and section 624 of Title 7, Agriculture, and provisions set out as notes under section 1351, 1364, and section 1366 of this title] may be cited as the 'Trade Agreements Extension Act of 1953'."

REPEALS

Act Sept. 26, 1949, § 2, repealed act June 26, 1948, ch. 678, § 2, 62 Stat. 1053, which had extended the President's authority from June 12, 1948 until the close of June 30, 1949.

EXTENSION OF PRESIDENTIAL AUTHORITY

Section 257(c) of Pub. L. 87-794 extended the authority of the President to enter into foreign trade agreements under section 350 of the Tariff Act of 1930 (section 1351 of this title from the close of June 30, 1962, until the close of December 31, 1962.

Section 2 of Pub. L. 85-686, Aug. 20, 1958, 72 Stat. 673, extended the authority of the President to enter into foreign trade agreements under section 350 of the Tariff Act of 1930 (section 1351 of this title) from the close of June 30, 1958, until the close of June 30, 1962.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1304, 1360, 1366 of this title.

§ 1352a. Repealed. Pub. L. 87-794, title II, § 257(f), Oct. 11, 1962, 76 Stat. 882

Section, acts July 1, 1954, ch. 445, § 2, 68 Stat. 360; June 21, 1955, ch. 169, § 7, 69 Stat. 166; Aug. 20, 1958, Pub. L. 85-686, § 8(a), 72 Stat. 678, related to restriction on decrease of duties, impairment of national security, investigations and reports, and reports to Congress. See section 1801 et seq. of this title.

ACTIONS COMMENCED PRIOR TO OCTOBER 11, 1962

Section 257(f) of Pub. L. 87-794 provided in part that: "Any action (including any investigation begun) under section 2 [section 1352a of this title] before the date of the enactment of this Act [Oct. 11, 1962] shall be considered as having been taken or begun under section 232 [section 1862 of this title]."

§ 1353. Indebtedness of foreign countries, effect on

Nothing in this part shall be construed to give any authority to cancel or reduce, in any manner, any of the indebtedness of any foreign country to the United States.

(June 12, 1934, ch. 474, § 3, 48 Stat. 944.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1304 of this title.

§ 1354. Notice of intention to negotiate agreement; opportunity to be heard; President to seek information and advice

Before any foreign trade agreement is concluded with any foreign government or instrumentality thereof under the provisions of this part, reasonable public notice of the intention to negotiate an agreement with such government or instrumentality shall be given in order that any interested person may have an opportunity to present his views to the President, or to such agency as the President may designate, under such rules and regulations as the President may prescribe; and before concluding such agreement the President shall request the International Trade Commission to make the investigation and report provided for by section

1360 of this title, and shall seek information and advice with respect to such agreement from the Departments of State, Agriculture, Commerce, and Defense, and from such other sources as he may deem appropriate.

(June 12, 1934, ch. 474, § 4, 48 Stat. 945; July 5, 1945, ch. 269, § 4, 59 Stat. 411; Aug. 10, 1949, ch. 412, § 12(a), 63 Stat. 591; Sept. 26, 1949, ch. 585, § 5, 63 Stat. 698; June 16, 1951, ch. 141, § 3(c), 65 Stat. 73; Jan. 3, 1975, Pub. L. 93-618, title I, § 171, 88 Stat. 2009.)

AMENDMENTS

1951—Act June 16, 1951, provided that the President request the Tariff Commission to make the investigation and report.

1949—Act Sept. 26, 1949, § 5, changed the Tariff Commission's functions under these sections from investigatory to advisory functions.

1945—Act July 5, 1945, inserted "War, Navy," following "Departments of State".

CHANGE OF NAME

The United States Tariff Commission was renamed the United States International Trade Commission by Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009, which is classified to section 2231 of this title.

The National Military Establishment was changed to the Department of Defense by act Aug. 10, 1949.

REPEALS

Act Sept. 26, 1949, § 2, repealed act June 26, 1948, ch. 678, § 3(c), 62 Stat. 1054, formerly credited to section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1304, 1360, 1366 of this title.

§§ 1355, 1356. Repealed. Pub. L. 89-23, § 7, May 22, 1965, 79 Stat. 113

Sections, act Apr. 11, 1941, ch. 59, §§ 1, 2, 55 Stat. 133, 134, related to the importation of coffee under Inter-American Coffee Agreement, and are now covered by sections 1356a to 1356e of this title.

EFFECTIVE DATE OF REPEAL

Sections repealed effective May 22, 1965, the date the President made the determination required by section 8 of Pub. L. 89-23, set out as a note under section 1356a of this title.

§ 1356a. Importation of coffee under International Coffee Agreement, 1962; Presidential powers and duties

On and after the entry into force of the International Coffee Agreement, 1962, and for such period prior to October 1, 1968, as the agreement remains in effect, or until the Congress by concurrent resolution determines that an unwarranted increase in the price of coffee has occurred, the President is authorized, in order to carry out the provisions of that agreement—

(1) to regulate the entry of coffee for consumption, or withdrawal of coffee from warehouse for consumption, including (A) the limitation of entry, or withdrawal from warehouse, of coffee imported from countries which are not members of the International Coffee Organization, and (B) the prohibition of entry of any shipment from any member of the International Coffee Organization of coffee which is not accompanied by a certificate of origin or a certificate of reexport, issued by a qualified agency in such form as required under the agreement;

(2) to require that every export or reexport of coffee from the United States shall be accompanied by a certificate of origin or a certificate of reexport, issued by a qualified agency of the United States designated by him, in such form as required under the agreement;

(3) to require the keeping of such records, statistics, and other information, and the rendering of such reports, relating to the importation, distribution, prices, and consumption of coffee as he may from time to time prescribe; and

(4) to take such other action, and issue and enforce such rules and regulations, as he may consider necessary or appropriate in order to implement the obligations of the United States under the agreement.

(Pub. L. 89-23, § 2, May 22, 1965, 79 Stat. 112.)

CODIFICATION

Section was not enacted as part of the Tariff Act of 1930 which comprises this chapter.

EFFECTIVE DATE

Section 8 of Pub. L. 89-23 provided that: "This Act [enacting sections 1356a to 1356e of this title and repealing sections 1355 and 1356 of this title] will not become effective until the President makes a determination and reports the determination to the Congress that, in his judgment, it will not result in an unwarranted increase in coffee prices to United States consumers."

On May 22, 1965, the President determined that, in his judgment, the International Coffee Agreement Act of 1965, sections 1356a to 1356e of this title, will not result in an unwarranted increase in coffee prices to United States consumers. The determination is published in 30 F.R. 7095.

SHORT TITLE

Section 1 of Pub. L. 89-23 provided: "That this Act [enacting sections 1356a to 1356e of this title and repealing sections 1355 and 1356 of this title] may be cited as the 'International Coffee Agreement Act of 1965'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1356b, 1356c, 1356e of this title.

§ 1356b. Definition of coffee

As used in section 1356a of this title, "coffee" means coffee as defined in article 2 of the International Coffee Agreement, 1962.

(Pub. L. 89-23, § 3, May 22, 1965, 79 Stat. 112.)

CODIFICATION

Section was not enacted as part of the Tariff Act of 1930 which comprises this chapter.

EFFECTIVE DATE

Section effective May 22, 1965, see section 8 of Pub. L. 89-23, set out as an Effective Date note under section 1356a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1356c, 1356e of this title.

§ 1356c. Delegation of Presidential powers and duties; protection of interests of United States consumers

The President may exercise any powers and duties conferred on him by sections 1356a to 1356e of this title through such agency or officer as he shall direct. The powers and duties conferred by sections 1356a to 1356e of this title shall be exercised in the manner the President considers appropriate to protect the interests of United States consumers.

(Pub. L. 89-23, § 4, May 22, 1965, 79 Stat. 112.)

CODIFICATION

Section was not enacted as part of the Tariff Act of 1930 which comprises this chapter.

EFFECTIVE DATE

Section effective May 22, 1965, see section 8 of Pub. L. 89-23, set out as an Effective Date note under section 1356a of this title.

EXECUTIVE ORDER NO. 11229

Ex. Ord. No. 11229, June 14, 1965, 30 F.R. 7741, formerly set out as a note under this section, which provided for United States participation in the International Coffee Organization, was revoked by Ex. Ord. No. 11449, Jan. 17, 1969, 34 F.R. 917, set out as a note under section 1356h of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1356c, 1356e of this title.

§ 1356d. Report to the Congress

The President shall submit to the Congress an annual report on the International Coffee Agreement, 1962. Such report shall contain full information on the operation of such agreement, including full information with respect to the general level of prices of coffee. The report shall also include a summary of the actions the United States and the International Coffee Organization have taken to protect the interests of United States consumers. Such annual report shall be submitted not later than January 15 of each year. The first such report shall be submitted not later than January 15, 1966.

(Pub. L. 89-23, § 5, May 22, 1965, 79 Stat. 113.)

CODIFICATION

Section was not enacted as part of the Tariff Act of 1930 which comprises this chapter.

EFFECTIVE DATE

Section effective May 22, 1965, see section 8 of Pub. L. 89-23, set out as an Effective Date note under section 1356a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1356c, 1356e of this title.

§ 1356e. Authorization of appropriations; limitation on United States contribution for administration of agreement

There are hereby authorized to be appropriated from time to time such sums as may be necessary to carry out the provisions of sections 1356a to 1356e of this title, including the necessary expenses and contributions of the United States in connection with the administration of the International Coffee Agreement, 1962. The amount of the contributions of the United States to administer the agreement for any period shall not exceed 20 per centum of the total contributions assessed for such period to administer the agreement, nor shall such amount exceed $150,000 for any fiscal year.

(Pub. L. 89-23, § 6, May 22, 1965, 79 Stat. 113.)

CODIFICATION

Section was not enacted as part of the Tariff Act of 1930 which comprises this chapter.

EFFECTIVE DATE

Section effective May 22, 1965, see section 8 of Pub. L. 89-23, set out as an Effective Date note under section 1356a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1356c of this title.

§ 1356f. Importation of coffee under International Coffee Agreement, 1968; Presidential powers and duties

On and after the entry into force of the International Coffee Agreement, 1968, and for such period prior to October 1, 1973, as the agreement remains in effect, the President is authorized, in order to carry out and enforce the provisions of that agreement—

(1) to regulate the entry of coffee for consumption, or withdrawal of coffee from warehouse for consumption, or any other form of entry or withdrawal of coffee such as for transportation or exportation, including (A) the limitation of entry, or withdrawal from warehouse, of coffee imported from countries which are not members of the International Coffee Organization, (B) the prohibition of entry of any shipment from any member of the International Coffee Organization of coffee which is not accompanied by a valid certificate of origin or a valid certificate of reexport, issued by a qualified agency in such form as required under the agreement, and (C) the imposition of special fees or such other measures as he deems appropriate to offset discriminatory treatment by other governments in favor of the export or reexport of processed coffee;

(2) to require that every export or reexport of coffee from the United States shall be accompanied by a valid certificate of origin or a valid certificate of reexport, issued by a qualified agency of the United States designated by him, in such form as required under the agreement;

(3) to require the keeping of such records, statistics, and other information, and the rendering of such reports, relating to the importation, distribution, prices, and consumption of coffee as he may from time to time prescribe; and

(4) to take such other action, and issue and enforce such rules and regulations, as he may consider necessary or appropriate in order to implement the obligations of the United States under the agreement.

(Pub. L. 90-634, title III, § 302, Oct. 24, 1968, 82 Stat. 1348; Pub. L. 91-694, § 1, Jan. 12, 1971, 84 Stat. 2077; Pub. L. 92-262, Mar. 24, 1972, 86 Stat. 113.)

CODIFICATION

Section was enacted as part of the International Coffee Agreement Act of 1968, and not as part of the Tariff Act of 1930 which comprises this chapter.

AMENDMENTS

1972—Pub. L. 92-262 substituted "October 1, 1973" for "July 1, 1971".

1971—Pub. L. 91-694 substituted "July 1, 1971" for "October 1, 1970".

EFFECTIVE DATE OF 1971 AMENDMENT

Section 2 of Pub. L. 91-694 provided that: "The amendment made by the first section of this Act [to this section] shall take effect as of October 1, 1970."

SHORT TITLE

Section 301 of Pub. L. 90-634 provided that: "This title [enacting this section and sections 1356g to 1356j of this title] may be cited as the 'International Coffee Agreement Act of 1968'."

PRESIDENTIAL REPORT TO THE CONGRESS

Section 3 of Pub. L. 91-694, directed the President to submit to Congress a report on or before Apr. 1, 1971, with respect to (1) the benefits of the International Coffee Agreement to United States consumers, and (2) the effect of such Agreement on international trade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1356g, 1356h, 1356j of this title.

§ 1356g. Definition of coffee

As used in section 1356f of this title, "coffee" means coffee as defined in article 2 of the International Coffee Agreement, 1968.

(Pub. L. 90-634, title III, § 303, Oct. 24, 1968, 82 Stat. 1348.)

CODIFICATION

Section was enacted as part of the International Coffee Agreement Act of 1968, and not as part of the Tariff Act of 1930 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1356h of this title.

§ 1356h. Delegation of Presidential powers and duties; protection of interests of United States consumers; remedial action

The President may exercise any powers and duties conferred on him by sections 1356f to 1356j of this title through such agency or officer as he shall direct. The powers and duties conferred by sections 1356f to 1356j of this title shall be exercised in the manner the President considers appropriate to protect the interests of United States consumers. In the event the President determines that there has been an unwarranted increase in the price of coffee due in whole or in part to the International Coffee Agreement, the President shall request the International Coffee Council and the Executive Board to take appropriate action. At the same time he shall report his determination to the Congress. In the event the International Coffee Council has failed to take corrective action to remedy the situation within a reasonable time after such request, the President shall submit to the Congress such recommendations as he may consider appropriate to correct the situation.

(Pub. L. 90-634, title III, § 304, Oct. 24, 1968, 82 Stat. 1348.)

CODIFICATION

Section was enacted as part of the International Coffee Agreement Act of 1968, and not as part of the Tariff Act of 1930 which comprises this chapter.

EX. ORD. NO. 11449. PARTICIPATION IN INTERNATIONAL COFFEE ORGANIZATION

Ex. Ord. No. 11449, Jan. 17, 1969, 34 F.R. 917, provided:

By virtue of the authority vested in me by the Constitution of the United States of America, the International Coffee Agreement Act of 1968 (Title III of Public Law 90-634, approved October 24, 1968, 82 Stat. 1348), hereinafter referred to as the Act [section 1356f et seq of this title], the International Coffee Agreement, 1962, as continued by the International Coffee Agreement, 1968, ratified November 1, 1968 and proclaimed November 18, 1968 (hereafter referred to as the Agreement), section 301 of title 3 of the United States Code, and section 1 of the International Organizations Immunities Act (22 U.S.C. 288), and as President of the United States, it is ordered as follows:

SECTION 1. *Secretary of State.* Subject to the provisions of this order, the powers of the President involved in the participation of the United States of America in the Agreement, including so much of the functions conferred upon the President by the Act as is neither reserved nor delegated to other officers herein, are hereby delegated to the Secretary of State.

SEC. 2. *Secretary of the Treasury.* The functions conferred upon the President by subsections (1)(A) and (B) and (2) of section 302 of the Act [subsecs. (1)(A) and (B) and (2) of section 1356f of this title], together with the authority to issue and enforce such rules and regulations as may be necessary to perform those functions, are hereby delegated to the Secretary of the Treasury.

SEC. 3. *Secretaries of State, the Treasury, Agriculture, Commerce, and Labor.* The functions conferred upon the President by subsection (3) of section 302 of the Act [subsec. (3) of section 1356f of this title], together with the authority to issue and enforce such rules and regulations as may be necessary to perform those functions, are hereby delegated to the Secretaries of State, the Treasury, Agriculture, Commerce and Labor, severally.

SEC. 4. *Functions reserved.* There are hereby reserved to the President the functions conferred upon him by sections 304, 305, 306, and subsections (1)(C) and (4) of section 302 of the Act [this section and sections 1356i, 1356j, and 1356f(1)(C) and (4) of this title].

SEC. 5. *Coordination.* The functions assigned by the provisions of this order shall be performed under effective coordination. The measures of coordination hereunder shall include the following:

(1) In effecting and carrying out the participation of the United States of America in the Agreement, the Secretary of State shall consult with the appropriate heads of Federal agencies, including the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

(2) The delegates under section 3 of this order shall use the functions delegated thereunder as they and the Secretary of State shall mutually agree.

SEC. 6. *Redelegation.* Each Secretary mentioned in this order is hereby authorized to redelegate within his Department the functions hereinabove assigned to him.

SEC. 7. *Prior orders.* (a) Executive Order No. 11225 of May 22, 1965 [set out as a note under section 288 of Title 22, Foreign Relations and Intercourse] shall continue in force subject to the following amendment: Insert the phrase "as continued by the International Coffee Agreement, 1968" after the phrase "TIAS 5055)".

(b) Executive Order No. 11229 of June 14, 1965 is hereby revoked.

LYNDON B. JOHNSON.

§ 1356i. Report to the Congress

The President shall submit to the Congress an annual report on the International Coffee Agreement, 1968. Such report shall contain full information on the operation of such agreement, including full information with respect to the general level of prices of coffee and matters pertaining to the transportation of coffee from exporting countries to the United States. The report shall also include a summary of the actions the United States and the International Coffee Organization have taken to protect the interests of United States consumers.

(Pub. L. 90-634, title III, § 305, Oct. 24, 1968, 82 Stat. 1349.)

CODIFICATION

Section was enacted as part of the International Coffee Agreement Act of 1968, and not as part of the Tariff Act of 1930 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1356h of this title.

§ 1356j. Prevention of discrimination against vessels registered under laws of the United States

(a) Procedure; remedial action

Upon complaint of any interested party filed after October 24, 1968, the President shall promptly make an investigation to determine whether any exporting country which is a member of the International Coffee Organization, or group of exporting countries which includes any member of such Organization, is taking action which, directly or indirectly, discriminates, or threatens to discriminate, against vessels registered under the laws of the United States in the shipping of coffee to the United States. If the President finds that discrimination, or threat thereof, exists, he shall notify the Federal Maritime Commission which shall promptly make appropriate rules and regulations under section 876 of title 46. If, within a reasonable time thereafter, the President finds that the effect of discrimination, or threat thereof, still exists, the authority conferred by section 1356f of this title shall cease to apply until such time as the President finds that the effect of discrimination, or threat thereof, has ceased to exist.

(b) Publication in Federal Register of findings

The President shall cause to be published promptly in the Federal Register (1) a copy of each complaint filed under subsection (a) of this section, (2) the results of the investigation made with respect to each such complaint and his findings thereunder, and (3) in the case of each complaint with respect to which he makes an affirmative finding of discrimination, or threat thereof, any rules and regulations made by the Federal Maritime Commission pursuant to subsection (a) of this section and each subsequent finding made by him under such subsection.

(c) Powers and duties of Federal Maritime Commission unaffected

Nothing contained in subsection (a) of this section shall be construed to affect the powers and duties of the Federal Maritime Commission determined without regard to the provisions of such subsection.

(Pub. L. 90-634, title III, § 306, Oct. 24, 1968, 82 Stat. 1349.)

CODIFICATION

Section was enacted as part of the International Coffee Agreement Act of 1968, and not as part of the Tariff Act of 1930 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1356h of this title.

§§ 1357 to 1359. Repealed. Sept. 26, 1949, ch. 585, § 2, 63 Stat. 698

Sections, act June 26, 1948, ch. 678, §§ 3(a), (b), 4, 5, 62 Stat. 1053, 1054, related to the investigatory functions of the Tariff Commission and the report by the President to Congress.

§ 1360. Peril point; procedure by International Trade Commission

(a) Before entering into negotiations concerning any proposed foreign trade agreement under section 1351 of this title, the President shall furnish the United States International Trade Commission (hereinafter in sections 1352(a), (c), 1354, and 1360 to 1367 of this title, and section 624(b) of title 7, referred to as the "Commission") with a list of all articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment. Upon receipt of such list the Commission shall make an investigation and report to the President the findings of the Commission with respect to each such article as to (1) the limit to which such modification, imposition, or continuance may be extended in order to carry out the purpose of said section without causing or threatening serious injury to the domestic industry producing like or directly competitive articles; and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles the minimum increases in duties or additional import restrictions required. Such report shall be made by the Commission to the President not later than six months after the receipt of such list by the Commission. No such foreign trade agreement shall be entered into until the Commission has made its report to the President or until the expiration of the six-month period.

(b)(1) In the course of any investigation pursuant to this section the Commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. If in the course of any such investigation the Commission shall find with respect to any article on the list upon which a tariff concession has been granted that an increase in duty or additional import restriction is required to avoid serious injury to the domestic industry producing like or directly competitive articles, the Commission shall promptly institute an investigation with respect to that article pursuant to section 1364 of this title.

(2) In each such investigation the Commission shall, to the extent practicable and without excluding other factors, ascertain for the last calendar year preceding the investigation the average invoice price on a country-of-origin basis (converted into currency of the United States in accordance with the provisions of section 372 of title 31) at which the foreign article was sold for export to the United States, and the average prices at which the like or directly competitive domestic articles were sold at wholesale in the principal markets of the United States. The Commission shall also, to the extent practicable, estimate for each article on the list the maximum increase in annual imports which may occur without causing serious injury to the domestic industry producing like or directly competitive articles. The Commission shall request the executive departments and agencies for information in their possession concerning prices and other economic data from the principal supplier foreign country of each such article.

(June 16, 1951, ch. 141, § 3(a), (b), 65 Stat. 72; Aug. 20, 1958, Pub. L. 85-686, § 4, 72 Stat. 675; Jan. 3, 1975, Pub. L. 93-618, title I, § 171, 88 Stat. 2009.)

REFERENCES IN TEXT

Sections 1362 to 1365 of this title, included in the reference in subsec. (a) to sections 1360 to 1367 of this title, were repealed by Pub. L. 87-749, title II, § 257(e)(1), Oct. 11, 1962, 76 Stat. 882; section 1367 of this title was repealed by Pub. L. 87-456, title III, § 303(c), May 24, 1962, 76 Stat. 78.

CODIFICATION

Section was not enacted as a part of the Tariff Act of 1930, which comprises this chapter.

Section is comprised of subsecs. (a) and (b) of section 3 of act June 16, 1951. Subsec. (c) amended section 1354 of this title.

AMENDMENTS

1958—Subsec. (a). Pub. L. 85-686, § 4(a), substituted "six months" for "120 days", and "six-month" for "120-day".

Subsec. (b)(1). Pub. L. 85-686, § 4, redesignated existing provisions as subsec. (b)(1) and amended by § 4(b) to require the Commission to promptly institute an investigation pursuant to section 1364 of this title when the Commission finds with respect to any article on the list upon which a tariff concession has been granted that an increase in duty or additional import restriction is required to avoid serious injury to the domestic industry producing like or directly competitive articles.

Subsec. (b)(2). Pub. L. 85-686, § 4(c), added subsec. (b)(2).

CHANGE OF NAME

The United States Tariff Commission was renamed the United States International Trade Commission by Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009, which is classified to section 2231 of this title.

SHORT TITLE

Section 1 of act June 16, 1951, provided that act June 16, 1951, which enacted sections 1360 to 1367 of this title, amended sections 1352(a), (c), 1354 of this title, and provisions set out as a note under section 1516 of this title, and amended section 624(f) of Title 7, Agriculture, should be popularly known as the "Trade Agreements Extension Act of 1951".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1354, 1361, 1366 of this title.

§ 1361. Action by President; reports to Congress

(a) Within thirty days after any trade agreement under section 1351 of this title has been entered into which, when effective, will (1) require or make appropriate any modification of duties or other import restrictions, the imposition of additional import restrictions, or the continuance of existing customs or excise treatment, which modification, imposition, or continuance will exceed the limit to which such modification, imposition, or continuance may be extended without causing or threatening serious injury to the domestic industry producing like or directly competitive articles as found and reported by the International Trade Commission under section 1360 of this title, or (2) fail to require or make appropriate the minimum increase in duty or additional import restrictions required to avoid such injury, the President shall transmit to Congress a copy of such agreement together with a message accurately identifying the article with respect to which such limits or minimum requirements are not complied with, and stating his reasons for the action taken with respect to such article. If either the Senate or the House of Representatives, or both, are not in session at the time of such transmission, such agreement and message shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be.

(b) Promptly after the President has transmitted such foreign trade agreement to Congress the Commission shall deposit with the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a copy of the portions of its report to the President dealing with the articles with respect to which such limits or minimum requirements are not complied with.

(June 16, 1951, ch. 141, § 4, 65 Stat. 73; Jan. 3, 1975, Pub. L. 93-618, title I, § 171, 88 Stat. 2009.)

CODIFICATION

Section was not enacted as a part of the Tariff Act of 1930, which comprises this chapter.

CHANGE OF NAME

The United States Tariff Commission was renamed the United States International Trade Commission by Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009, which is classified to section 2231 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1360, 1366 of this title.

§§ 1362 to 1365. Repealed. Pub. L. 87-794, title II, § 257(e)(1), Oct. 11, 1962, 76 Stat. 882

Section 1362, act June 16, 1951, ch. 141, § 5, 65 Stat. 73, related to suspension or withdrawal of concessions from Communistic areas. See section 1801 et seq. of this title.

Section 1363, acts June 16, 1951, ch. 141, § 6, 65 Stat. 73; June 21, 1955, ch. 169, § 4, 69 Stat. 165, provided for an escape clause for future agreements, and insertion in past agreements.

Section 1364, acts June 16, 1951, ch. 141, § 7, 65 Stat. 74; Aug. 7, 1953, ch. 348, title I, § 102, 67 Stat. 472;

June 21, 1955, ch. 169, §§ 5, 6, 69 Stat. 166; Aug. 20, 1958, Pub. L. 85-686, §§ 5(a), (b)(1), (c), 6, 72 Stat. 676, related to the operation of the escape clause.

Section 1365, act June 16, 1951, ch. 141, § 8(a), 65 Stat. 75, provided for emergency action for perishable agricultural products.

PRESIDENTIAL ACTION IN EFFECT ON OCTOBER 11, 1962

Section 257(e)(2) of Pub. L. 87-794 provided that: "Action taken by the President under section 5 of such Act [former section 1362 of this title] and in effect on the date of the enactment of this Act [Oct. 11, 1962] shall be considered as having been taken by the President under section 231 [section 1861 of this title]."

CONTINUATION OF INVESTIGATIONS

Section 257(e)(3) of Pub. L. 87-794 provided that: "Any investigation by the Tariff Commission [now the United States International Trade Commission] under section 7 of such Act [former section 1364 of this title] which is in progress on the date of the enactment of this Act [Oct. 11, 1962] shall be continued under section 301 [section 1901 of this title] as if the application by the interested party were a petition under such section for tariff adjustment under section 351 [section 1981 of this title]. For purposes of section 301(f) [section 1901(f) of this title], such petition shall be treated as having been filed on the date of the enactment of this Act [Oct. 11, 1962]."

§ 1366. General Agreement on Tariff and Trade unaffected

The enactment of sections 1352(a), (c), 1354, and 1360 to 1367 of this title, and section 624(f) of title 7, shall not be construed to determine or indicate the approval or disapproval by the Congress of the Executive Agreement known as the General Agreement on Tariffs and Trade.

(June 16, 1951, ch. 141, § 10, 65 Stat. 75.)

REFERENCES IN TEXT

Sections 1362 to 1365 of this title, included in the reference to sections 1360 to 1367 of this title, were repealed by Pub. L. 87-749, title II, § 257(e)(1), Oct. 11, 1962, 76 Stat. 882; section 1367 of this title was repealed by Pub. L. 87-456, title III, § 303(c), May 24, 1962, 76 Stat. 78.

CODIFICATION

Section was not enacted as a part of the Tariff Act of 1930, which comprises this chapter.

PRIOR PROVISIONS

Similar provisions were contained in act July 1, 1954, ch. 445, § 3, 68 Stat. 360, other sections of which amended section 1352(c) of this title and enacted section 1352a of this title; and in act Aug. 7, 1953, ch. 348, title I, § 103, 67 Stat. 472, which act amended section 624(b) of title 7, and sections 1330(d), 1352(c) and former section 1364(a) of this title, and enacted provisions set out as notes under sections 1351 and 1364 of this title.

CONGRESSIONAL APPROVAL OR DISAPPROVAL OF GENERAL AGREEMENT ON TARIFFS AND TRADE

Section 10 of Pub. L. 85-686 provided that: "The enactment of this Act [adding section 1335 of this title, amending sections 1333, 1336, 1337, 1351, 1352a, 1360, and former section 1364 of this title, and enacting notes set out under this section and section 1352 of this title] shall not be construed to determine or indicate the approval or disapproval by the Congress of the executive agreement known as the General Agreement on Tariffs and Trade."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1360 of this title.

§ 1367. Repealed. Pub. L. 87-456, title III, § 303(c), May 24, 1962, 76 Stat. 78

Section, act June 16, 1951, ch. 141, § 11, 65 Stat. 75, required the President to take such measures as may be necessary to prevent the importation of ermine, fox, kolinsky, marten, mink, muskrat, and weasel furs and skins which are the product of the Union of Soviet Socialist Republics or of Communist China. See Revised Tariff Schedules set out in section 1202 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 31, 1963, see section 501(a) of Pub. L. 87-456, set out as a note preceding section 1202 of this title.

SUBTITLE III—ADMINISTRATIVE PROVISIONS

SUBTITLE REFERRED TO IN OTHER SECTIONS

This subtitle is referred to in title 15 section 69d.

PART I—DEFINITIONS

§ 1401. Miscellaneous

When used in this subtitle or in part I of subtitle II of this chapter—

(a) Vessel

The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

(b) Vehicle

The word "vehicle" includes every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land, but does not include aircraft.

(c) Merchandise

The word "merchandise" means goods, wares, and chattels of every description, and includes merchandise the importation of which is prohibited.

(d) Person

The word "person" includes partnerships, associations, and corporations.

(e) Master

The word "master" means the person having the command of the vessel.

(f) Day

The word "day" means the time from eight o'clock antemeridian to five o'clock postmeridian.

(g) Night

The word "night" means the time from five o'clock postmeridian to eight o'clock antemeridian.

(h) United States

The term "United States" includes all Territories and possessions of the United States except the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and the island of Guam.

(i) Officer of the customs; customs officer

The terms "officer of the customs" and "customs officer" mean any officer of the Bureau of Customs of the Treasury Department (also hereinafter referred to as the "Customs Service") or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the Customs Service.

(j) Customs waters

The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

(k) Hovering vessel

The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.

(*l*) Secretary

The term "Secretary" means the Secretary of the Treasury or his delegate.

(June 17, 1930, ch. 497, title IV, § 401, 46 Stat. 708; Aug. 5, 1935, ch. 438, title II, § 201, 49 Stat. 521; June 25, 1938, ch. 679, § 2, 52 Stat. 1077; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; June 30, 1955, ch. 258, § 2(a)(3), 69 Stat. 242; June 2, 1970, Pub. L. 91-271, title III, § 301(c), 84 Stat. 288.)

CODIFICATION

Words "the Philippine Islands" formerly set out in subsec. (h) were omitted on authority of Proc. No. 2695, which is set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse, and in which the President proclaimed the independence of the Philippines.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 401, 42 Stat. 948, which superseded R.S. §§ 2766 and 2768, defining "merchandise" and "master," respectively. Section 401 of the 1922 Act was superseded by section 401 of the Tariff Act of 1930, comprising this section and was repealed by section 651(a)(1) of the 1930 Act.

Section III of the Underwood Tariff Act of Oct. 3, 1913, ch. 16, 38 Stat. 181, amending the Customs Administrative Act of June 10, 1890, ch. 407, 26 Stat. 131, was repealed by section 643 of the Act of Sept. 21, 1922, ch. 356, title IV, 42 Stat. 989.

Section III, by subdivision A thereof, amended the Customs Administrative Act of June 10, 1890, ch. 407, 26 Stat. 131, as previously amended, to read as set forth in section III, subdivisions B-CC. By that amendment and reenactment, the Customs Administrative Act of June 10, 1890, and the amendments thereof by Act July 24, 1897, ch. 11, § 32, 30 Stat. 211, Act May 17, 1898, ch. 341, 30 Stat. 417, Act Dec. 15, 1902, ch. 1, 32 Stat. 753, Act May 27, 1908, ch. 205, 35 Stat. 403, and the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 91, were superseded, except the provisions thereof mentioned in a proviso of section IV, S, of that act.

The Customs Administrative Act of June 10, 1890, as originally enacted and as amended previous to the Payne-Aldrich Tariff Act, consisted of thirty sections, of which section 30 prescribed the time when the act should go into effect. Of the preceding twenty-nine sections of the original act, section 15 providing for review by the courts of decisions of the Board of General Appraisers, was omitted from the act as further amended by the Payne-Aldrich Tariff Act, and the remaining twenty-eight sections were amended thereby, constituting sections 1-28 thereof. A new section, designated as section 29, was added by the Payne-Aldrich Tariff Act, which created a Court of Customs Appeals and prescribed its jurisdiction and powers, proceedings, etc. Its provisions were incorporated in and superseded by chapter 8 of the Judicial Code of March 3, 1911. Another new section, designated as section 30, was also added by the Payne-Aldrich Tariff Act, which provided for the appointment of an Assistant Attorney-General, a Deputy Assistant Attorney-General, and attorneys, in charge of matters of reappraisement, etc., of imported goods and litigation incident thereto. Section 30 was incorporated into the Code as section 296 of Title 5, Executive Departments and Government Officers and Employees.

AMENDMENTS

1970—Subsec. (h). Pub. L. 91-271, § 301(c)(1), (2), struck out subsec. (h) which defined the term "collector". Former subsec. (k) was redesignated as (h).

Subsec. (i). Pub. L. 91-271, § 301(c)(1), (2), struck out subsec. (i) which defined the term "comptroller of customs". Former subsec. (*l*) was redesignated as (i), and, as so redesignated, defined the term "customs officer".

Subsec. (j). Pub. L. 91-271, § 301(c)(1), (2), struck out subsec. (j) which defined the term "appraiser". Former subsec. (m) was redesignated as (j).

Subsec. (k). Pub. L. 91-271, § 301(c)(1), (2), redesignated former subsec. (n) as (k). Former subsec. (k) was redesignated as (h).

Subsec. (*l*.) Pub. L. 91-271, § 301(c)(2), (3), added subsec. (*l*). Former subsec. (*l*) was redesignated as (i).

Subsec. (m). Pub. L. 91-271, § 301(c)(2), redesignated former subsec. (m) as (j).

Subsec. (n). Pub. L. 91-271, § 301(c)(2), redesignated former subsec. (n) as (k).

1955—Subsec. (k). Act June 30, 1955, inserted "Johnston Island".

1938—Subsec. (k). Act June 25, 1938, inserted "Wake Island, Midway Islands, Kingman Reef" before "and the island of Guam".

1935—Subsecs. (*l*), (m), (n). Act Aug. 5, 1935, added subsecs. (*l*), (m) and (n).

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1955 AMENDMENT

Section 2(d) of act June 30, 1955, provided that the amendment of this section, sections 1201, 1401(k), 1557(a), 1562, and 1709(a) of this title, and sections 542, 544, and 545 of Title 18, Crimes and Criminal Procedure should take effect on July 1, 1955.

EFFECTIVE DATE OF CUSTOMS ADMINISTRATIVE ACT OF 1938

Section 37 of act June 25, 1938, provided that: "Sections 31 and 34 of this Act [par. 741 of section 1001 of this title, and pars. 1111, 1115(b), 1529(a) of section 1001 of this title] shall take effect on the date of enactment of this Act [June 25, 1938]. Except as otherwise specially provided in this Act [this section, sections 1001, 1201, 1308, 1304, 1309, 1315, 1317, 1321, 1402, 1451, 1459, 1460, 1467, 1484, 1485, 1491, 1499, 1501, 1516, 1520, 1524, 1528, 1553, 1557, 1558, 1559, 1562, 1563, 1603, 1607, 1609, 1613, 1623, and 1709 of this title and section 331 of Title 46, Shipping] shall take effect on the thirtieth day following the date of its enactment."

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 7607; title 46 sections 1155, 1407.

§ 1401a. Value

(a) Basis

Except as otherwise specifically provided for in this chapter, the value of imported merchandise for the purposes of this chapter shall be—

(1) the export value, or

(2) if the export value cannot be determined satisfactorily, then the United States value, or

(3) if neither the export value nor the United States value can be determined satisfactorily, then the constructed value;

except that, in the case of an imported article subject to a rate of duty based on the American selling price of a domestic article, such value shall be—

(4) the American selling price of such domestic article.

(b) Export value

For the purposes of this section, the export value of imported merchandise shall be the price, at the time of exportation to the United States of the merchandise undergoing appraisement, at which such or similar merchandise is freely sold or, in the absence of sales, offered for sale in the principal markets of the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, for exportation to the United States, plus, when not included in such price, the cost of all containers and coverings of whatever nature and all other expenses incidental to placing the merchandise in condition, packed ready for shipment to the United States.

(c) United States value

For the purposes of this section, the United States value of imported merchandise shall be the price, at the time of exportation to the United States of the merchandise undergoing appraisement, at which such or similar merchandise is freely sold or, in the absence of sales, offered for sale in the principal market of the United States for domestic consumption, packed ready for delivery, in the usual wholesale quantities and in the ordinary course of trade, with allowances made for—

(1) any commission usually paid or agreed to be paid, or the addition for profit and general expenses usually made, in connection with sales in such market of imported merchandise of the same class or kind as the merchandise undergoing appraisement;

(2) the usual costs of transportation and insurance and other usual expenses incurred with respect to such or similar merchandise from the place of shipment to the place of delivery, not including any expense provided for in subdivision (1) of this subsection; and

(3) the ordinary customs duties and other Federal taxes currently payable on such or similar merchandise by reason of its importation, and any Federal excise taxes on, or measured by the value of, such or similar merchandise, for which vendors at wholesale in the United States are ordinarily liable.

If such or similar merchandise was not so sold or offered at the time of exportation of the merchandise undergoing appraisement, the United States value shall be determined, subject to the foregoing specifications of this subsection, from the price at which such or similar merchandise is so sold or offered at the earliest date after such time of exportation but before the expiration of ninety days after the importation of the merchandise undergoing appraisement.

(d) Constructed value

For the purposes of this section, the constructed value of imported merchandise shall be the sum of—

(1) the cost of materials (exclusive of any internal tax applicable in the country of exportation directly to such materials or their disposition, but remitted or refunded upon the exportation of the article in the production of which such materials are used) and of fabrication or other processing of any kind employed in producing such or similar merchandise, at a time preceding the date of exportation of the merchandise undergoing appraisement which would ordinarily permit the production of that particular merchandise in the ordinary course of business;

(2) an amount for general expenses and profit equal to that usually reflected in sales of merchandise of the same general class or kind as the merchandise undergoing appraisement which are made by producers in the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, for shipment to the United States; and

(3) the cost of all containers and coverings of whatever nature, and all other expenses incidental to placing the merchandise undergoing appraisement in condition, packed ready for shipment to the United States.

(e) American selling price

For the purposes of this section, the American selling price of any article produced in the United States shall be the price, including the cost of all containers and coverings of whatever nature and all other expenses incidental to placing the article in condition packed ready for delivery, at which such article is freely sold or, in the absence of sales, offered for sale for domestic consumption in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities, or the price that the manufacturer, producer, or owner would have received or was willing to receive for such article when sold for domestic consumption in the ordinary course of trade and in the usual wholesale quantities, at the time of exportation of the imported article.

(f) Definitions

For the purposes of this section—

(1) The term "freely sold or, in the absence of sales, offered for sale" means sold or, in the absence of sales, offered—

(A) to all purchasers at wholesale, or

(B) in the ordinary course of trade to one or more selected purchasers at wholesale at a price which fairly reflects the market value of the merchandise,

without restrictions as to the disposition or use of the merchandise by the purchaser, except restrictions as to such disposition or use which (i) are imposed or required by law, (ii) limit the price at which or the territory in which the merchandise may be resold, or (iii) do not substantially affect the value of the merchandise to usual purchasers at wholesale.

(2) The term "ordinary course of trade" means the conditions and practices which, for a reasonable time prior to the exportation of the merchandise undergoing appraisement, have been normal in the trade under consideration with respect to merchandise of the same class or kind as the merchandise undergoing appraisement.

(3) The term "purchasers at wholesale" means purchasers who buy in the usual wholesale quantities for industrial use or for resale otherwise than at retail; or, if there are no such purchasers, then all other purchasers for resale who buy in the usual wholesale quantities; or, if there are no purchasers in either of the foregoing categories, then all other purchasers who buy in the usual wholesale quantities.

(4) The term "such or similar merchandise" means merchandise in the first of the following categories in respect of which export value, United States value, or constructed value, as the case may be can be satisfactorily determined:

(A) The merchandise undergoing appraisement and other merchandise which is identical in physical characteristics with, and was produced in the same country by the same person as, the merchandise undergoing appraisement.

(B) Merchandise which is identical in physical characteristics with, and was produced by another person in the same country as, the merchandise undergoing appraisement.

(C) Merchandise (i) produced in the same country and by the same person as the merchandise undergoing appraisement, (ii) like the merchandise undergoing appraisement in component material or materials and in the purposes for which used, and (iii) approximately equal in commercial value to the merchandise undergoing appraisement.

(D) Merchandise which satisfies all the requirements of subdivision (C) except that it was produced by another person.

(5) The term "usual wholesale quantities", in any case in which the merchandise in respect of which value is being determined is sold in the market under consideration at different prices for different quantities, means the quantities in which such merchandise is there sold at the price or prices for one quantity in an aggregate volume which is greater than the aggregate volume sold at the price or prices for any other quantity.

(g) Transactions between related persons

(1) For the purposes of subsection (c)(1) or (d) of this section, as the case may be, a transaction directly or indirectly between persons specified in any one of the subdivisions in paragraph (2) of this subsection may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales in the market under consideration of merchandise of the same general class or kind as the merchandise undergoing appraisement. If a transaction is disregarded under the preceding sentence and there are no other transactions available for consideration, then, for the purposes of subsection (d), of this section, the determination of the amount required to be considered shall be based on the best evidence available as to what the amount would have been if the transaction had occurred between persons not specified in any one of the subdivisions in paragraph (2).

(2) The persons referred to in paragraph (1) are:

(A) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants;

(B) Any officer or director of an organization and such organization;

(C) Partners;

(D) Employer and employee;

(E) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting stock or shares of any organization and such organization; and

(F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

(June 17, 1930, ch. 497, title IV, § 402, as added Aug. 2, 1956, ch. 887, § 2(a), 70 Stat. 943.)

Effective Date

Section 8 of act Aug. 2, 1956, provided that: "This Act [enacting this section and provisions set out in notes under this section and sections 2, 160, 1351, and 1402 of this title, amending pars. 27(c) and 28(c) of section 1001 of this title, sections 1402, 1500(f), and 1583 of this title, and section 372(c) of Title 31, Money and Finance, and repealing sections 12 to 18, 21 to 24, 26 to 28, 30, 40, 53 to 57, 59, 61, 62, 67, 376, 379, 390, 494, 526, 541, 542, 549, and 579 of this title, and section 711(7) of Title 31, Money and Finance] shall be effective on and after the day following the date of its enactment [Aug. 2, 1956], except that section 2 [enacting this section and provisions set out in note under section 1351 of this title, and amending pars. 27(c) and 28(c) of section 1001 of this title, and sections 1336(b) and 1402 of this title] shall be effective only as to articles entered, or withdrawn from warehouse, for consumption on or after the thirtieth day following the publication of the final list provided for in section 6(a) of this Act [set out in note under section 1402 of this title], and section 3 [amending section 372(c) of Title 31, Money and Finance] shall be effective as to entries filed on or after the thirtieth day following the date of enactment of this Act [Aug. 2, 1956]."

SHORT TITLE

Act Aug. 2, 1956, § 1, provided that: "This Act [enacting this section; amending sections 1001, 1402, 1500 and 1583 of this title, and section 372 of Title 31, Money and Finance; repealing sections 12 to 18, 21, 24, 26 to 28, 30, 40, 53, to 57, 59, 61, 62, 67, 376, 379, 390, 494, 526, 541, 542, 549, and 579 of this title, and section 711(7) of title 31; and enacting provisions set out as notes under this section and sections 2, 160, 1351 and 1402 of this title] may be cited as the 'Customs Simplification Act of 1956'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1351, 2112, 2481 of this title; title 26 section 993.

§ 1402. Value (Alternative)

(a) Basis

For the purposes of this chapter, the value of imported articles designated by the Secretary of the Treasury as provided for in section 6(a) of the Customs Simplification Act of 1956 shall be—

(1) The foreign value or the export value, whichever is higher;

(2) If the appropriate customs officer determines that neither the foreign value nor the export value can be satisfactorily ascertained, then the United States value;

(3) If the appropriate customs officer determines that neither the foreign value, the export value, nor the United States value can be satisfactorily ascertained, then the cost of production;

(4) In the case of an article with respect to which there is in effect under section 1336 of this title a rate of duty based upon the American selling price of a domestic article, then the American selling price of such article.

(b) Review of decision of appropriate customs officer

A decision of the appropriate customs officer that foreign value, export value, or United States value cannot be satisfactorily ascertained shall be subject to protest in accordance with section 1514 of this title; but in any such proceeding an affidavit executed outside of the United States shall not be admitted in evidence if executed by any person who fails to permit a Treasury attaché to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the value or classification of such merchandise.

(c) Foreign value

The foreign value of imported merchandise shall be the market value or the price at the time of exportation of such merchandise to the United States, at which such or similar merchandise is freely offered for sale for home consumption to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade, including the cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States.

(d) Export value

The export value of imported merchandise shall be the market value or the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade, for exportation to the United States, plus, when not included in such price, the cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States.

(e) United States value

The United States value of imported merchandise shall be the price at which such or similar imported merchandise is freely offered for sale for domestic consumption, packed ready for delivery, in the principal market of the United States to all purchasers, at the time of exportation of the imported merchandise, in the usual wholesale quantities and in the ordinary course of trade, with allowance made for duty, cost of transportation and insurance, and other necessary expenses from the place of shipment to the place of delivery, a commission not exceeding 6 per centum, if any has been paid or contracted to be paid on goods secured otherwise than by purchase, or profits not to exceed 8 per centum and a reasonable allowance for general expenses, not to exceed 8 per centum on purchased goods.

(f) Cost of production

For the purpose of this subtitle the cost of production of imported merchandise shall be the sum of—

(1) The cost of materials of, and of fabrication, manipulation, or other process employed in manufacturing or producing such or similar merchandise, at a time preceding the date of exportation of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business;

(2) The usual general expenses (not less than 10 per centum of such cost) in the case of such or similar merchandise;

(3) The cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and

(4) An addition for profit (not less than 8 per centum of the sum of the amounts found under paragraphs (1) and (2) of this subdivision) equal to the profit which ordinarily is added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the production or manufacture of merchandise of the same class or kind.

(g) American selling price

The American selling price of any article manufactured or produced in the United States

shall be the price, including the cost of all containers and coverings of whatever nature and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for delivery, at which such article is freely offered for sale for domestic consumption to all purchasers in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities in such market, or the price that the manufacturer, producer, or owner would have received or was willing to receive for such merchandise when sold for domestic consumption in the ordinary course of trade and in the usual wholesale quantities, at the time of exportation of the imported article.

(June 17, 1930, ch. 497, title IV, § 402a, formerly § 402, 46 Stat. 708; June 25, 1938, ch. 679, § 8, 52 Stat. 1081, renumbered and amended Aug. 2, 1956, ch. 887, § 2(a), (f), 70 Stat. 943, 946; June 2, 1970, Pub. L. 91-271, title III, § 301(d), 84 Stat. 288.)

REFERENCES IN TEXT

Section 6(a) of the Customs Simplification Act of 1956, referred to in subsec. (a), is set out as a note headed "List of articles to be valued; preliminary list; additions; final list; transmittal to Congressional committees" under this section.

PRIOR PROVISIONS

Provisions simlar to those of this section were contained in Act Oct. 3, 1913, ch. 16, § III, L and R, 38 Stat. 185, 189, and in Act May 27, 1921, ch. 14, title III, §§ 301-304, 42 Stat. 15, 16, all of which were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 402, 42 Stat. 949, and were repealed by section 643 thereof. Section 402 of the 1922 Act was superseded by section 402 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Earlier provisions on the subject were contained in R.S. §§ 2905-2907, and 2952, which were repealed by Act June 10, 1890, ch. 407, § 29, 26 Stat. 141; and in Act June 10, 1890, ch. 407, §§ 11 and 19, 26 Stat. 136, 139, as amended by Act July 24, 1897, ch. 11, § 32, 30 Stat. 211, and Act Aug. 5, 1909, ch. 6, § 28, 36 Stat. 97, 101, which were repealed by Act Oct. 3, 1913, ch. 16, § IV, S, 38 Stat. 201.

R.S. § 2906, requiring the collector to cause the actual market value, or wholesale price at the period of exportation, to be appriased, and providing that such appraised value should be considered the value upon which duty should be assessed, and R.S. § 2913, relative to the appraisement of gloves protected by trademark, were repealed by section 642 of the Act of Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

AMENDMENTS

1970—Subsecs. (a)(2), (3). Pub. L. 91-271, § 301(d)(1), substituted "appropriate customs officer" for "appraiser".

Subsec. (b). Pub. L. 91-271, § 301(d)(1), (3), substituted "appropriate customs officer" for "appraiser" and "subject to protest in accordance with section 1514 of this title" for "subject to review in reappraisement proceedings under section 1501 of this title".

1956—Act Aug. 2, 1956, § 2(a), amended section catchline by inserting "(Alternative)".

Subsec. (a). Act Aug. 2, 1956, § 2(f), substituted "articles designated by the Secretary of the Treasury as provided for in section 6(a) of the Customs Simplification Act of 1956" for "merchandise".

1938—Subsec. (c). Act June 25, 1938, inserted "for home consumption" after "freely offered for sale".

Subsecs. (e) and (g). Act June 25, 1938 inserted "for domestic consumption" after "freely offered for sale" and after "sold" in subsec. (g).

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1956 AMENDMENT

For effective date of amendment by act Aug. 2, 1956 see Effective Date note set out under section 1401a of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

LIST OF ARTICLES TO BE VALUED; PRELIMINARY LIST; ADDITIONS; FINAL LIST; TRANSMITTAL TO CONGRESSIONAL COMMITTEES

Section 6 of act Aug. 2, 1956, provided that:

"(a) The Secretary of the Treasury shall determine and make public a list of the articles which shall be valued in accordance with section 402a, Tariff Act of 1930, as amended by this Act [this section], as follows:

"As soon as practicable after the enactment of this Act [Aug. 2, 1956] the Secretary shall make public a preliminary list of the imported articles which he shall have determined, after such investigation as he deems necessary, would have been appraised in accordance with section 402 of the Tariff Act of 1930, as amended by this Act [section 1401a of this title], at average values for each article which are 95 (or less) per centum of the average values at which such article was actually appraised during the fiscal year 1954. If within sixty days after the publication of such preliminary list any manufacturer, producer, or wholesaler in the United States presents to the Secretary his reason for belief that any imported articles not specified in such list and like or similar to articles manufactured, produced, or sold at wholesale by him would have been appriased in accordance with such section 402 [section 1401a of this title] at average values which are 95 (or less) per centum of the average values at which they were or would have been appraised under section 402a, Tariff Act of 1930, as amended by this Act [this section], the Secretary shall cause such investigation of the matter to be made as he deems necessary. If in the opinion of the Secretary the reason for belief is substantiated by the investigation, the articles involved shall be added to the preliminary list and such list, including any additions so made thereto, shall be published as a final list. Every article so specified in the final list which is entered, or withdrawn from warehouse, for consumption on or after the thirtieth day following the date of publication of the final list shall be appraised in accordance with the provisions of section 402a, Tariff Act of 1930, as amended by this Act [this section].

"(b) The final list published in accordance with the provisions of subsection (a), together with explanatory data, shall be transmitted promptly to the chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate."

REDUCTION OF TARIFF PROTECTION

United States Tariff Commission [now United States International Trade Commission] and executive officers concerned to give full consideration to any reduction in the level of tariff protection resulting from amendment of this section by act Aug. 2, 1956, see note set out under section 1351 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1351, 2112, 2481 of this title; title 26 section 993.

PART II—REPORT, ENTRY, AND UNLADING OF VESSELS AND VEHICLES

§ 1431. Manifests; requirement, form, and contents; signing and delivery

(a) The master of every vessel arriving in the United States and required to make entry shall have on board his vessel a manifest in a form to be prescribed by the Secretary of the Treasury and signed by such master under oath as to the truth of the statements therein contained. Such manifest shall contain:

First. The names of the ports or places at which the merchandise was taken on board and the ports of entry of the United States for which the same is destined, particularly describing the merchandise destined to each such port: *Provided*, That the master of any vessel laden exclusively with coal, sugar, salt, nitrates, hides, dyewoods, wool, or other merchandise in bulk consigned to one owner and arriving at a port for orders, may destine such cargo "for orders", and within fifteen days thereafter, but before the unlading of any part of the cargo such manifest may be amended by the master by designating the port or ports of discharge of such cargo, and in the event of failure to amend the manifest within the time permitted such cargo must be discharged at the port at which the vessel arrived and entered.

Second. The name, description, and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs, and the name of the master of such vessel.

Third. A detailed account of all merchandise on board such vessel, with the marks and numbers of each package, and the number and description of the packages according to their usual name or denomination, such as barrel, keg, hogshead, case, or bag.

Fourth. The names of the persons to whom such packages are respectively consigned in accordance with the bills of lading issued therefor, except that when such merchandise is consigned to order the manifest shall so state.

Fifth. The names of the several passengers aboard the vessel, stating whether cabin or steerage passengers, with their baggage, specifying the number and description of the pieces of baggage belonging to each, and a list of all baggage not accompanied by passengers.

Sixth. An account of the sea stores and ship's stores on board of the vessel.

(b) Whenever a manifest of articles or persons on board an aircraft is required for customs purposes to be signed, or produced or delivered to a customs officer, the manifest may be signed, produced, or delivered by the pilot or person in charge of the aircraft, or by any other authorized agent of the owner or operator of the aircraft, subject to such regulations as the Secretary of the Treasury may prescribe. If any irregularity of omission or commission occurs in any way in respect of any such manifest, the owner or operator of the aircraft shall be liable for any fine or penalty prescribed by law in respect of such irregularity.

(June 17, 1930, ch. 497, title IV, § 431, 46 Stat. 710; Aug. 8, 1953, ch. 397, § 15, 67 Stat. 516.)

PRIOR PROVISIONS

R.S. §§ 2806, 2807 (as amended by Act June 3, 1902, ch. 86, § 1, 27 Stat. 41), and 2808, requiring manifests, and prescribing their contents, were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 431, 42 Stat. 950, and repealed by section 642 thereof. Section 431 of the 1922 Act was superseded by section 431 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

R.S. § 2805, relative to the administration of oaths required by that chapter, was superseded to a great extent by the Customs Administrative Act of June 10, 1890, ch. 407, § 22, 26 Stat. 140, amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 102, and by the Underwood Tariff Act of Oct. 3, 1913, ch. 16, § IV, S., 38 Stat. 201, which abolished all oaths administered by officers of the customs, except as provided in those acts and was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1953—Subsec. (a). Act Aug. 8, 1953, designated former entire section as subsec. (a).

Subsec. (b). Act Aug. 8, 1953 added subsec. (b).

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

CROSS REFERENCES

Vessels bound to foreign ports, deliverance of manifests, and form and contents thereof, see section 91 et seq., of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1434 of this title.

§ 1432. Manifest to specify sea and ship's stores

The manifest of any vessel arriving from a foreign port or place shall separately specify the articles to be retained on board of such vessel as sea stores, ship's stores, or bunker coal, or bunker oil, and if any other or greater quantity of sea stores, ship's stores, bunker coal, or bunker oil is found on board of any such vessel than is specified in the manifest, or if any such articles, whether shown on the manifest or not, are landed without a permit therefor issued by the appropriate customs officer, all such articles omitted from the manifest or landed without a permit shall be subject to forfeiture, and the master shall be liable to a penalty equal to the value of the articles.

(June 17, 1930, ch. 497, title IV, § 432, 46 Stat. 710; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions for the specification of sea stores in the manifest, their freedom from duty, and the forfeiture of articles not specified were contained in R.S. §§ 2795 and 2797 (as amended by Act March 3, 1897, ch. 389, § 17, 29 Stat. 691), which sections were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 432, 42 Stat. 951, and were repealed by section 642 thereof. Section 432 of the 1922 Act was superseded by section 432 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1432a of this title.

§ 1432a. Entry after visiting hovering vessel as arrival

For the purposes of sections 1432, 1433, 1434, 1448, 1585, and 1586 of this title, any vessel which has visited any hovering vessel shall be deemed to arrive or have arrived, as the case may be, from a foreign port or place.

(Aug. 5, 1935, ch. 438, title II, § 201, 49 Stat. 521.)

CROSS REFERENCES

Hovering vessel defined, see section 1401 of this title.

§ 1433. Report of arrival

Within twenty-four hours after the arrival of any vessel from a foreign port or place, or of a foreign vessel from a domestic port, or of a vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made, at any port or place within the United States at which such vessel shall come to, the master shall, unless otherwise provided by law, report the arrival of the vessel at the nearest customhouse, under such regulations as the Commissioner of Customs may prescribe.

(June 17, 1930, ch. 497, title IV, § 433, 46 Stat. 711; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 433, 42 Stat. 951. That section was superseded by section 433 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

R.S. § 2774, requiring a report of arrival, and a further report in the form of a manifest, and imposing a penalty for violations was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 433, 42 Stat. 951; and repealed by section 642 of that act.

R.S. § 2772, relative to report and entry by the master of every vessel, bound to a port of delivery; section 2775, requiring a special report by the master of any vessel having on board distilled spirits or wines; and section 2832, relative to report of arrival of vessels proceeding to the ports of Natchez or Vicksburg, were also repealed by section 642 of the Act of Sept. 21, 1922, ch. 356.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to title 5.

CROSS REFERENCES

Entry after visiting hovering vessel as arrival, see section 1432a of this title.

Vessels arriving on Sundays, holidays, or at night, see section 1435b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1432a, 1436 of this title.

§ 1434. Entry of American vessels

Except as otherwise provided by law, and under such regulations as the Commissioner of Customs may prescribe, the master of a vessel of the United States arriving in the United States from a foreign port or place shall, within forty-eight hours after its arrival within the limits of any customs collection district, make formal entry of the vessel at the customhouse by producing and depositing with the appropriate customs officer the vessel's crew list, its register, or document in lieu thereof, the clearance and bills of health issued to the vessel at the foreign port or ports from which it arrived, together with the original and one copy of the manifest, and shall make oath that the ownership of the vessel is as indicated in the register, or document in lieu thereof, and that the manifest was made out in accordance with section 1431 of this title.

(June 17, 1930, ch. 497, title IV, § 434, 46 Stat. 711; Aug. 5, 1935, ch. 438, title III. § 301, 49 Stat. 527; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 434, 42 Stat. 951. That section was superseded by section 434 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions for deposit of the register and other papers previous to entry, and for their return to the master or owner of the vessel on clearance of the vessel, were contained in R.S. § 2790, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 434, 42 Stat. 951, and repealed by section 642 of that Act.

R.S. § 2836, relative to the entry of vessels arriving within the districts of Petersburg or Richmond (abolished by the Plan of Reorganization of the Customs Service set forth in a note to section 1 of this title) was also repealed by section 642 of Act Sept. 21, 1922, ch. 356.

Special provisions for Astoria and Portland were contained in R.S. §§ 2588-2590, which were also repealed by section 642 of the Act of Sept. 21, 1922, ch. 356.

R.S. § 2835, prescribing the duties of masters of vessels bound up James River, Virginia, in regard to deposit of manifests, etc., was repealed by Act Mar. 3, 1897, ch. 389, § 16, 29 Stat. 691.

Special provisions to facilitate the entry of steamships running in an established line in foreign trade, made by Act June 5, 1894, ch. 92, § 1, 28 Stat. 85, and extended to steamships trading between Porto Rico and Hawaii and the United States by Act May 31, 1900, ch. 600, 31 Stat. 249, were repealed by section 6 of Act Feb. 13, 1911, ch. 46, the preceding sections of which act made more comprehensive provisions for preliminary entry of any vessel from a foreign port, and for the lading or unlading of such vessels at night. Sections 1 to 4 of said Act of 1911, were repealed by section 643 of the Act of Sept. 21, 1922, ch. 356.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

1935—Act Aug. 5, 1935, inserted "or document in lieu thereof" following "indicated in the register".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to title 5.

CROSS REFERENCES

Entry after visiting hovering vessel as arrival, see section 1432a of this title.

Vessels arriving on Sundays, holidays, or at night, see section 1435b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1432a, 1436, 1437 of this title.

§ 1435. Entry of foreign vessels

The master of any foreign vessel arriving within the limits of any customs collection district shall, within forty-eight hours thereafter, make entry at the customhouse in the same manner as is required for the entry of a vessel of the United States, except that a list of the crew need not be delivered, and that instead of depositing the register or document in lieu thereof such master may produce a certificate by the consul of the nation to which such vessel belongs that said documents have been deposited with him: *Provided*, That such exception shall not apply to the vessels of foreign nations in whose ports American consular officers are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nations.

(June 17, 1930, ch. 497, title IV, § 435, 46 Stat. 711.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 435, 42 Stat. 951. That section was superseded by section 435 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

CROSS REFERENCES

Vessels arriving on Sundays, holidays, or at night, see section 1435b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1436, 1437, 1438 of this title.

§ 1435a. Transferred

CODIFICATION

Section, act May 4, 1934, ch. 212, 48 Stat. 663, was transferred to section 91a of Title 46, Shipping.

§ 1435b. Clearance of vessels arriving on Sundays, holidays, or at night

In order to expedite the dispatch of vessels carrying passengers operating on regular schedules and arriving at night or on a Sunday or a holiday at a port in the United States at which such vessel is required by law to report arrival and make entry and from which it is required to obtain a clearance, the appropriate customs officer, if the vessel departs during the same night, Sunday, or holiday on which it arrives may, under such regulations as may be prescribed by the Secretary of the Treasury, receive the report of arrival and entry of such vessel from and give clearance for such vessel to the master or other proper officer thereof on board such vessel: *Provided*, That bond, as prescribed in section 1451 of this title, is given to secure reimbursement to the Government for the compensation of, and expenses incurred by, such customs officers in performing such services, who shall be entitled to rates of compensation fixed on the same basis and payable in the same manner and upon the same terms and conditions as in the case of customs officers and employees assigned to lading or unlading at night or on Sunday or a holiday.

(June 16, 1937, ch. 362, 50 Stat. 303; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; June 2, 1970, Pub. L. 91-271, title III, § 320, 84 Stat. 293.)

CODIFICATION

Section was not enacted as part of Tariff Act of 1930, which comprises this chapter.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector, or any deputy collector of customs designated by him, and struck out provision authorizing the Secretary of Commerce to prescribe regulations.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26, of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The customs personnel, referred to in this section, are under the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1436. Failure to report or enter vessel; additional penalty where vessel carrying nonimportable goods or liquor

Every master who fails to make the report or entry provided for in sections 1433, 1434, or 1435 of this title shall, for each offense, be liable to a fine of not more than $1,000 and, if the vessel have, or be discovered to have had, on board any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or any spirits, wines, or other alcoholic liquors, such master shall be subject to an additional fine of not more than $2,000 or to imprisonment for not more than one year, or to both such fine and imprisonment.

Every master who presents a forged, altered, or false document or paper on making entry of a vessel as required by section 1434 or 1435 of this title, knowing the same to be forged, altered, or false and without revealing the fact, shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than $5,000 nor less than $50 or to imprisonment for not more than two years, or to both such fine and imprisonment.

(June 17, 1930, ch. 497, title IV, § 436, 46 Stat. 711; Aug. 5, 1935, ch. 438, title II, § 202, 49 Stat. 521.)

Prior Provisions

Provisions similar to those of this section were contained in R.S. § 2834, as amended by Act Mar. 3, 1897, ch. 389, § 15, 29 Stat. 691, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 436, 42 Stat. 951, and was repealed by section 642 thereof. Section 436 of the 1922 Act was superseded by section 436 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Amendments

1935—Act Aug. 5, 1935, deleted period after "$1,000" in fourth line and added "and, if the vessels have" to end of section.

Cross References

Felony and misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 1437. Documents returned at clearance

The register, or document in lieu thereof, deposited in accordance with section 1434 or 1435 of this title shall be returned to the master or owner of the vessel upon its clearance.

(June 17, 1930, ch. 497, title IV, § 437, 46 Stat. 711.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 437, 42 Stat. 951. That section was superseded by section 437 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

§ 1438. Unlawful return of foreign vessel's papers

It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register, or document in lieu thereof, deposited with him in accordance with the provisions of section 1435 of this title until such master shall produce to him a clearance in due form from the appropriate customs officer of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be liable to a fine of not more than $5,000.

(June 17, 1930, ch. 497, title IV, § 438, 46 Stat. 712; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 438, 42 Stat. 952. That section was superseded by section 438 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Amendments

1970—Pub. L. 91-271 substituted reference to the appropriate customs officers for reference to the collector.

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1439. Delivery of manifest

Immediately upon arrival and before entering his vessel, the master of a vessel from a foreign port or place required to make entry shall mail or deliver to such employee as the Secretary of the Treasury shall designate, a copy of the manifest, and shall on entering his vessel make affidavit that a true and correct copy was so mailed or delivered, and he shall also mail or deliver to such employee designated by the Secretary a true and correct copy of any correction of such manifest filed on entry of his vessel. Any master who fails so to mail or deliver such copy of the manifest or correction thereof shall be liable to a penalty of not more than $500.

(June 17, 1930, ch. 497, title IV, § 439, 46 Stat. 712; Aug. 8, 1953, ch. 397, § 2(b), 67 Stat. 507.)

Prior Provisions

Provisions similar to those of this section were contained in Act Mar. 2, 1895, ch. 177, § 9, 28 Stat. 808, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 439, 42 Stat. 952, and was repealed by section 643 thereof. Section 439 of the 1922 Act was superseded by section 439 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Amendments

1953—Act Aug. 8, 1953, substituted "such employee as the Secretary of the Treasury shall designate" for "the comptroller of customs for the district in which the port of entry is located"; and "such employee designated by the Secretary" for "said comptroller of customs".

Effective Date of 1953 Amendment; Saving Clause

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

§ 1440. Correction of manifest

If there is any merchandise or baggage on board such vessel which is not included in or which does not agree with the manifest, the master of the vessel shall make a post entry thereof, and mail or deliver a copy to such employee as the Secretary of the Treasury shall designate and for failure so to do shall be liable to a penalty of $500.

(June 17, 1930, ch. 497, title IV, § 440, 46 Stat. 712; Aug. 8, 1953, ch. 397, § 2(c), 67 Stat. 508.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 440, 42 Stat. 952. That section was superseded by section 440 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1953—Act Aug. 8, 1953, substituted "such employee as the Secretary of the Treasury shall designate" for "the comptroller of customs for the district in which the port of entry is located".

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

§ 1441. Vessels not required to enter

The following vessels shall not be required to make entry at the customhouse:

(1) Vessels of war and public vessels employed for the conveyance of letters and dispatches and not permitted by the laws of the nations to which they belong to be employed in the transportation of passengers or merchandise in trade;

(2) Passenger vessels making three trips or oftener a week between a port of the United States and a foreign port, or vessels used exclusively as ferryboats, carrying passengers, baggage, or merchandise: *Provided*, That the master of any such vessel shall be required to report such baggage and merchandise to the appropriate customs officer within twenty-four hours after arrival;

(3) Licensed yachts or undocumented American pleasure vessels not engaged in trade nor in any way violating the customs or navigation laws of the United States and not having visited any hovering vessel: *Provided*, That the master of any such vessel which has on board any article required by law to be entered shall be required to report such article to the appropriate custom officer within twenty-four hours after arrival.

(4) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, sea stores, or ship's stores and which shall depart within twenty-four hours after arrival without having landed or taken on board any passengers, or any merchandise other than bunker coal, bunker oil, sea stores, or ship's stores: *Provided*, That the master, owner, or agent of such vessel shall report under oath to the appropriate customs officer the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, sea stores, or ship's stores taken on board; and

(5) Tugs enrolled and licensed to engage in the foreign and coasting trade in the northern, northeastern, and northwestern frontiers when towing vessels which are required by law to enter and clear.

(June 17, 1930, ch. 497, title IV, § 441, 46 Stat. 712; Aug. 5, 1935, ch. 438, title III, § 302, 49 Stat. 527; Aug. 14, 1937, ch. 620, § 1, 50 Stat. 638; Sept. 1, 1954, ch. 1213, title V, § 501(b), 68 Stat. 1140; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

REFERENCES IN TEXT

The customs laws of the United States, referred to in par. (3), are classified generally to this title.

The navigation laws of the United States, referred to in par. (3), are classified generally to Title 33, Navigation and Navigable Waters.

PRIOR PROVISIONS

Provisions somewhat similar to those in subd. (1) of this section were contained in R.S. § 2791, R.S. § 3123 provided that steam-tugs duly enrolled and licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, when exclusively employed in towing vessels, should not be required to report and clear at the custom-house but that when employed in towing rafts or other vessels without sale or steam motive-power, not required to be enrolled or licensed they should report and clear in the same manner as other vessels. Both sections were superseded and more closely assimilated to this section by Act Sept. 21, 1922, ch. 356, title IV, § 441, 42 Stat. 952, and were repealed by section 642 thereof. Section 441 of the 1922 Act was superseded by section 441 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Subds. (2) to (4). Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector wherever appearing therein.

1954—Subd. (3). Act Sept. 1, 1954, exempted undocumented American pleasure vessels from entry requirements, and provided that both yachts and undocumented pleasure vessels report to the collector of customs, within 24 hours after arrival, all articles, whether dutiable or not, for which a customs entry is required.

1937—Subd. (4). Act Aug. 14, 1937, substituted "sea stores, or ship's stores" for "or necessary sea stores" where appearing in subdivision.

1935—Subd. (3). Act. Aug. 5, 1935 added at the end thereof "And not visiting any hovering vessel, nor having at any time or, if forfeited to the United States or to a foreign government, at any time after forfeiture, become liable to seizure and forfeiture for any violation of the laws of the United States".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1937 AMENDMENT

Section 2 of act Aug. 14, 1937, provided as follows: "The amendment made by this Act shall take effect on the day following the date of its enactment."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1448 of this title.

§ 1442. Residue cargo

Any vessel having on board merchandise shown by the manifest to be destined to a foreign port or place may, after the report and entry of such vessel under the provisions of this chapter, proceed to such foreign port of destination with the cargo so destined therefor, without unlading the same and without the payment of duty thereon. Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof.

(June 17, 1930, ch. 497, title IV, § 442, 46 Stat. 713.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. §§ 2776 (as amended by Act June 26, 1884, ch. 121, § 29, 23 Stat. 59), 2777-2779, 2782, and 2783, all of which were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 442, 42 Stat. 952, and were repealed by section 642 thereof. Section 442 of the 1922 Act was superseded by section 442 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions authorizing the Secretary of the Treasury to require bonds in cases of vessels carrying goods destined for ports other than port of entry were contained in the Act of 1922 and prior acts. These provisions were omitted from this section. General provisions authorizing the Secretary to require bonds where not specifically required are contained in section 1623 of this title.

Special provisions concerning Astoria and Portland were contained in R.S. §§ 2588 and 2590, repealed by section 642 of the Act of Sept. 21, 1922, ch. 356.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1449 of this title.

§ 1443. Cargo for different ports; manifest and permit

Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the appropriate customs officer a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board.

(June 17, 1930, ch. 497, title IV, § 443, 46 Stat. 713; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. §§ 2780 and 2808, both of which were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 443, 42 Stat. 953, and were repealed by section 642 thereof. Section 443 of the 1922 Act was superseded by section 443 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1444. Arrival at another port

Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the appropriate customs officer at such port and shall produce the permit issued by the appropriate customs officer at the port of first arrival, together with the certified copy of his manifest.

(June 17, 1930, ch. 497, title IV, § 444, 46 Stat. 713; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. § 2781, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 444, 42 Stat. 953, and was repealed by section 642 thereof. Section 444 of the 1922 Act was superseded by section 444 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector wherever appearing therein.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1445. Penalties for failure to have permit and certified manifest

If the master of any such vessel shall proceed to another port or district without having obtained a permit therefor and a certified copy of his manifest, or if he shall fail to produce such permit and certified copy of his manifest to the appropriate customs officer at the port of destination, or if he shall proceed to any port not specified in the permit, he shall be liable to a penalty, for each offense, of not more than $500.

(June 17, 1930, ch. 497, title IV, § 445, 46 Stat. 713; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions somewhat similar to a part of the provisions of this section were contained in R.S. § 2784, which was superseded and enlarged by Act Sept. 21, 1922, ch. 356, title IV, § 445, 42 Stat. 953, and was repealed by section 642 thereof. Section 445 of the 1922 Act was superseded by section 445 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1446. Supplies and stores retained on board

Vessels arriving in the United States from foreign ports may retain on board, without the payment of duty, all coal and other fuel supplies, ships' stores, sea stores, and the legitimate equipment of such vessels. Any such supplies, ships' stores, sea stores, or equipment landed and delivered from such vessel shall be considered and treated as imported merchandise: *Provided*, That bunker coal, bunker oil, ships' stores, sea stores, or the legitimate equipment of vessels belonging to regular lines plying between foreign ports and the United States, which are delayed in port for any cause, may be transferred under a permit by the appropriate customs officer and under customs supervision from the vessel so delayed to another vessel of the same line and owner, and engaged in the foreign trade, without the payment of duty thereon.

(June 17, 1930, ch. 497, title IV, § 446, 46 Stat. 713; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 446, 42 Stat. 953. That section was superseded by section 446 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions similar to those of the last sentence of this section concerning sea stores and equipment, were contained in R.S. § 2797, as amended by Act Mar. 3, 1897, ch. 389, § 17, 29 Stat. 691. A provision that steam vessels might retain coal on board without being required to land it or pay duty was contained in R.S. § 2798. Provision for collection of duty on excessive quantities of sea stores was made by R.S. § 2796. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENTS

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1447. Place of entry and unlading

It shall be unlawful to make entry of any vessel or to unlade the cargo or any part thereof of any vessel elsewhere than at a port of entry: *Provided*, That upon good cause therefor being shown, the Commissioner of Customs may permit entry of any vessel to be made at a place other than a port of entry designated by him, under such conditions as he shall prescribe: *And provided further*, That any vessel laden with merchandise in bulk may proceed after entry of such vessel to any place designated by the Secretary of the Treasury for the purpose of unlading such cargo, under the supervision of customs officers if the appropriate customs officers shall consider the same necessary, and in such case the compensation and expenses of such officers shall be reimbursed to the Government by the party in interest.

(June 17, 1930, ch. 497, title IV, § 447, 46 Stat. 714; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 447, 42 Stat. 953. That section was superseded by section 447 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions concerning the place of entry and unlading of foreign vessels and vessels from foreign ports were contained in R.S. §§ 2770 and 2771, which were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Special provisions concerning the place of lading and unlading vessels laden with the products of Canada, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island were contained in R.S. § 3129, which was also repealed by section 642 of the Act of 1922.

R.S. § 2897, authorizing the Secretary of the Treasury, under regulations by him prescribed, to permit the unloading of salt, imported from foreign places, on the right bank of the Mississippi River, opposite New Orleans, at any point on said bank between the upper and lower corporate limits of said city, was repealed by Act Mar. 3, 1897, ch. 389, § 16, 29 Stat. 691.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The customs personnel, referred to in this section, are under the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1449 of this title.

§ 1448. Unlading

(a) Permits and preliminary entries

Except as provided in section 1441 of this title (relating to vessels not required to enter), no merchandise, passengers, or baggage shall be unladen from any vessel or vehicle arriving from a foreign port or place until entry of such vessel or report of the arrival of such vehicle has been made and a permit for the unlading of the same issued by the appropriate customs officer: *Provided*, That the master may make a preliminary entry of a vessel by making oath or affirmation to the truth of the statements contained in the vessel's manifest and delivering the manifest to the customs officer who boards such vessel, but the making of such preliminary entry shall not excuse the master from making formal entry of his vessel at the customhouse, as provided by this chapter. After the entry, preliminary or otherwise, of any vessel or report of the arrival of any vehicle, such customs officer may issue a permit to the master of the vessel, or to the person in charge of the vehicle, to unlade merchandise or baggage, but except as provided in subdivision (b) of this section merchandise or baggage so unladen shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted, and the owners of the vessel or vehicle from which any imported merchandise is unladen prior to entry of such merchandise shall be liable for the payment of the duties accruing on any part thereof that may be removed from the place of unlading without a permit therefor having been issued. Any merchandise or baggage so unladen from any vessel or vehicle for which entry is not made within forty-eight hours exclusive of Sunday and holidays from the time of the entry of the vessel or report of the vehicle, unless a longer time is granted by such customs officer, as provided in section 1484 of this title, shall be sent to a bonded warehouse or the public stores and held as unclaimed at the risk and expense of the consignee in the case of merchandise and of the owner in the case of baggage, until entry thereof is made.

(b) Special delivery permit

The Secretary of the Treasury is authorized to provide by regulations for the issuing of special permits for delivery, prior to formal entry therefor, of perishable articles and other articles, the immediate delivery of which is necessary.

(June 17, 1930, ch. 497, title IV, § 448, 46 Stat. 714; June 2, 1970, Pub. L. 91-271, title III, § 301(e), 84 Stat. 288.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 448, 42 Stat. 953. That section was superseded by section 448 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions similar to those of this section concerning preliminary entries, and a further provision that on making such entry lading might proceed by both day and night, were contained in Act Feb. 13, 1911, ch. 46, § 2, 36 Stat. 900, which was repealed by Act Sept. 21, 1922, ch. 356, Title IV, § 643, 42 Stat. 989.

Provisions for the estimation of duties, and the issuance of permits for delivery of merchandise, and provisions prescribing the contents of such permits, were contained in R.S. § 2869, (as amended by Act June 5, 1894, ch. 92, § 2, 28 Stat. 86) and § 2870, which were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Provisions as to the removal of merchandise brought in any vessel from a foreign port or place, from the wharf or place where it might be landed or put, before it had been weighed, gauged, measured, etc., were contained in R.S. § 2882, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-271 substituted references to the appropriate customs officer or such customs officer for references to the collector wherever appearing therein.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

CROSS REFERENCES

Entry after visiting hovering vessel as arrival, see section 1432a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1432a of this title.

§ 1449. Unlading at port of entry

Except as provided in sections 1442 and 1447 of this title (relating to residue cargo and to bulk cargo respectively), merchandise and baggage imported in any vessel by sea shall be unladen at the port of entry to which such vessel is destined, unless (1) such vessel is compelled by any cause to put into another port of entry, and the appropriate customs officer of such port issues a permit for the unlading of such merchandise or baggage, or (2) the Secretary of the Treasury, because of an emergency existing at the port of destination, authorizes such vessel to proceed to another port of entry. Merchandise and baggage so unladen may be entered in the same manner as other imported merchandise or baggage and may be treated as unclaimed merchandise or baggage and stored at the expense and risk of the owner thereof, or may be reladen without entry upon the vessel from which it was unladen for transportation to its destination.

(June 17, 1930, ch. 497, title IV, § 449, 46 Stat. 714; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 449, 42 Stat. 954. That section was superseded by section 449 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions concerning protests and reports by vessels compelled by distress of weather or other necessity to put into a port of the United States; permits for the unlading thereof; the storage of the goods; the disposal of perishable goods; variances between the report, and the delivery of the cargo, and the reloading of such vessels, and a special provision for Spanish vessels arriving in distress, were contained in R.S. §§ 2891-2895. Provisions for report and entry of vessels prevented by ice from getting to the port or place at which her cargo was intended to be delivered, and for the unlading or landing of the cargo, were contained in R.S. § 2896. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officers for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For Effective Date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1450. Unlading on Sundays, holidays, or at night

No merchandise, baggage, or passengers arriving in the United States from any foreign port or place, and no bonded merchandise or baggage being transported from one port to another, shall be unladen from the carrying vessel or vehicle on Sunday, a holiday, or at night, except under special license granted by the appropriate customs officer under such regulations as the Secretary of the Treasury may prescribe.

(June 17, 1930, ch. 497, title IV, § 450, 46 Stat. 715; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. § 2872, as amended by the Act of June 26, 1884, ch. 121, § 25, 23 Stat. 59, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 450, 42 Stat. 954, and was repealed by section 642 thereof. Section 450 of the 1922 Act was superseded by section 450 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

R.S. § 2871 providing for the granting of a special license to unlade at night, and the amendment thereof by Act June 30, 1906, ch. 3909, 34 Stat. 633, were repealed by section 6 of Act Feb. 13, 1911, ch. 46, and provision for the grant of a special license to lade or unlade at night, and the grant of permits for immediate lading and unlading of vessels admitted to preliminary entry, etc., was made, in sections 1 and 4 of that Act, which were repealed by section 643 of the Act of Sept. 21, 1922, ch. 356.

A special provision on the subject matter of this section for the northern, northeastern and northwestern frontiers was contained in R.S. § 3120, as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 248, which was repealed by section 642 of the Act of Sept. 21, 1922, ch. 356.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

CROSS REFERENCES

Overtime compensation, see section 5541 et seq. of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1451 of this title; title 5 section 5549.

§ 1451. Extra compensation

Before any such special license to unlade shall be granted, the master, owner, or agent of such vessel or vehicle, or the person in charge of such vehicle, shall be required to deposit sufficient money to pay, or to give a bond in an amount to be fixed by the Secretary conditioned to pay, the compensation and expenses of the customs officers and employees assigned to duty in connection with such unlading at night or on Sunday or a holiday, in accordance with the provisions of section 267 of this title. In lieu of such deposit or bond the owner or agent of any vessel or vehicle or line of vessels or vehicles may execute a bond in an amount to be fixed by the Secretary of the Treasury to cover and include the issuance of special licenses for the unlading of such vessels or vehicles for a period not to exceed one year. Upon a request made by the owner, master, or person in charge of a vessel or vehicle, or by or on behalf of a common carrier or by or on behalf of the owner or consignee of any merchandise or baggage, for overtime services of customs officers or employees at night or on a Sunday or holiday, the appropriate customs officer shall assign sufficient customs officers or employees if available to perform any such services which may lawfully be performed by them during regular hours of business, but only if the person requesting such services deposits sufficient money to pay, or gives a bond in an amount to be fixed by such customs officer, conditioned to pay the compensation and expenses of such customs officers and employees, who shall be entitled to rates of compensation fixed on the same basis and payable in the same manner and upon the same terms and conditions as in the case of customs officers and employees assigned to duty in connection with lading or unlading at night or on Sunday or a holiday. Nothing in this section shall be construed to impair the existing authority of the Treasury Department to assign customs officers or employees to regular tours of duty at nights or on Sundays or holidays when such assignments are in the public interest: *Provided*, That the provisions of this section, sections 1450 and 1452 of this title, and the provisions of section 267 of this title insofar as such section 267 of this title requires payment of compensation by the master, owner, agent, or consignee of a vessel or conveyance, shall not apply to the owner, operator, or agent of a highway vehicle, bridge, tunnel, or ferry, between the United States and Canada or between the United States and Mexico, nor to the lading or unlading of merchandise, baggage, or persons arriving in or departing from the United States by motor vehicle, trolley car, on foot, or by other means of highway travel upon, over, or through any highway, bridge, tunnel, or ferry. At ports of entry and customs stations where any merchandise, baggage, or persons shall arrive in or depart from the United States by motor vehicle, trolley car, on foot, or by other means of highway travel upon, over, or through any highway, bridge, tunnel, or ferry, between the United States and Canada or between the United States and Mexico, the appropriate customs officer, under such regulations as the Secretary of the Treasury may prescribe, shall assign customs officers and employees to duty at such times during the twenty-four hours of each day, including Sundays and holidays, as the Secretary of the Treasury in his discretion may determine to be necessary to facilitate the inspection and passage of such merchandise, baggage, or persons. Officers and employees assigned to such duty at night or on Sunday or a holiday shall be paid compensation in accordance with existing law as interpreted by the United States v. Howard C. Myers (320 U.S. 561); but all compensation payable to such customs officers and employees shall be paid by the United States without requiring any license, bond, obligation, financial undertaking, or payment in connection therewith on the part of any owner, operator, or agent of any such highway vehicle, bridge, tunnel, or ferry, or other person. As used in this section, the term "ferry" shall mean a passenger service operated with the use of vessels which arrive in the United States on regular schedules at intervals of at least once each hour during any period in which customs service is to be furnished without reimbursement as above provided.

(June 17, 1930, ch. 497, title IV, § 451, 46 Stat. 715; June 25, 1938, ch. 679, § 9, 52 Stat. 1082; June 3, 1944, ch. 233, § 1, 58 Stat. 269; Sept. 1, 1954, ch. 1213, title V, § 503, 68 Stat. 1141; June 2, 1970, Pub. L. 91-271, title III, § 301(f), 84 Stat. 288.)

PRIOR PROVISIONS

Provisions similar to those of this section, but applying also to the issuance of a permit for immediate lading or unlading after preliminary entry, were contained in Act Feb. 13, 1911, ch. 46, § 3, 36 Stat. 900, which was superseded in part by Act Sept. 21, 1922, ch. 356, title IV, § 451, 42 Stat. 954, and was repealed by section 643 thereof. Section 451 of the 1922 Act was superseded by section 451 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer or such customs officer for references to the collector wherever appearing therein.

1954—Act Sept. 1, 1954, permitted the deposit of sufficient money to cover the costs of night, Sunday, or holiday service in lieu of the filing of the bond.

1944—Act June 3, 1944, inserted proviso.

1938—Act June 25, 1938, amended third sentence generally.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Maximum charges for certain overtime services, notwithstanding provisions of this section, see section 1741 of Title 49, Transportation.

Overtime compensation, see section 5541 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1435b, 1451a of this title; title 5 section 5549.

§ 1451a. Extra compensation payable by United States; refunds; appropriations

Notwithstanding any provision of law to the contrary, the extra compensation of customs officers and employees heretofore assigned to the performance of inspectional services in connection with traffic over highways or toll bridges, through toll tunnels, or on ferries within the definition of the term "ferry" in section 1451 of this title on Sundays or holidays prior to June 3, 1944, which is payable on the basis prescribed by the said section 267 of this title, shall be payable by the United States without reimbursement by the applicants for such services or any other person. Any reimbursement of compensation made payable without reimbursement by this section which has accrued and been collected since January 6, 1941, shall be refunded. The necessary moneys to carry out the provisions of this section and section 1451 of this title are authorized to be appropriated from the general fund of the Treasury.

(June 3, 1944, ch. 233, § 2, 58 Stat. 270.)

CODIFICATION

Section was not enacted as a part of the Tariff Act of 1930, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5549.

§ 1452. Lading on Sundays, holidays, or at night

No merchandise or baggage entered for transportation under bond or for exportation with the benefit of drawback, or other merchandise or baggage required to be laden under customs supervision, shall be laden on any vessel or vehicle at night or on Sunday or a holiday, except under special license therefor to be issued by the appropriate customs officer under the same conditions and limitations as pertain to the unlading of imported merchandise or merchandise being transported in bond.

(June 17, 1930, ch. 497, title IV, § 452, 46 Stat. 715; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 452, 42 Stat. 955. That section was superseded by section 452 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

CROSS REFERENCES

Overtime compensation, see section 5541 et seq. of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1451 of this title; title 5 section 5549.

§ 1453. Lading and unlading of merchandise or baggage; penalties

If any merchandise or baggage is laden on, or unladen from, any vessel or vehicle without a special license or permit therefor issued by the appropriate customs officer, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, or in removing or otherwise securing such merchandise or baggage, shall each be liable to a penalty equal to the value of the merchandise or baggage so laden or unladen, and such merchandise or baggage shall be subject to forfeiture, and if the value thereof is $500 or more, the vessel or vehicle on or from which the same shall be laden or unladen shall be subject to forfeiture.

(June 17, 1930, ch. 497, title IV, § 453, 46 Stat. 716; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 453, 42 Stat. 955. That section was superseded by section 453 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions imposing penalties and forfeitures for violation of R.S. § 2872, which required a special license for unloading or delivering merchandise otherwise than in open day, were contained in R.S. §§ 2873 and 2874, which were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1454. Unlading of passengers; penalty

If any passenger is unladen from any vessel or vehicle without a special license or permit therefor issued by the appropriate customs officer, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, shall each be liable to a penalty of $500 for each such passenger so unladen.

(June 17, 1930, ch. 497, title IV, § 454, 46 Stat. 716; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1455. Boarding and discharging inspectors

The appropriate customs officer for the district in which any vessel or vehicle arrives from a foreign port or place may put on board of such vessel or vehicle while within such district, and if necessary while going from one district to another, one or more inspectors or other customs officers to examine the cargo and contents of such vessel or vehicle and superintend the unlading thereof, and to perform such other duties as may be required by law or the customs regulations for the protection of the revenue. Such inspector or other customs officer may, if he shall deem the same necessary for the protection of the revenue, secure the hatches or other communications or outlets of such vessel or vehicle with customs seals or other proper fastenings while such vessel is not in the act of unlading and such fastenings shall not be removed without permission of the inspector or other customs officer. Such inspector or other customs officer may require any vessel or vehicle to discontinue or suspend unlading during the continuance of unfavorable weather or any conditions rendering the discharge of cargo dangerous or detrimental to the revenue. Any officer, owner, agent of the owner, or member of the crew of any such vessel who obstructs or hinders any such inspector or other customs officer in the performance of his duties, shall be liable to a penalty of not more than $500.

(June 17, 1930, ch. 497, title IV, § 455, 46 Stat. 716; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 454, 42 Stat. 955.

That section was superseded by section 455 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions on the subject-matter of this section were contained in R.S. §§ 2834 (as amended by Act Mar. 3, 1897, ch. 389, § 15, 29 Stat. 691), 2875, and 3070; and special provisions for particular ports in sections 2588, 2590 and 2832. Provisions as to the duties of inspectors, the records to be kept and returns to be made by them and the comparison of their returns with the manifests and entries, were contained in R.S. §§ 2876, 2877, 2888 and 2889. All the foregoing sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1456. Compensation and expenses of inspectors between ports; reimbursement

The compensation of any inspector or other customs officer, stationed on any vessel or vehicle while proceeding from one port to another and returning therefrom, shall be reimbursed to the Government by the master or owner of such vessel, together with the actual expense of such inspector or customs officer for subsistence, or in lieu of such expenses such vessel or vehicle may furnish such inspector or customs officer, the accommodations usually supplied to passengers.

(June 17, 1930, ch. 497, title IV, § 456, 46 Stat. 716.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 455, 42 Stat. 955. That section was superseded by section 456 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions on the subject-matter of this section were contained in R.S. § 2878, and particular provisions for certain ports in sections 2588 and 2833. Section 2878 contained a further provision prohibiting inspectors from performing any other duties or service than what was required by that title. All these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

§ 1457. Time for unlading

Whenever any merchandise remains on board any vessel or vehicle from a foreign port more than twenty-five days after the date on which report of said vessel or vehicle was made, the appropriate customs officer may take possession of such merchandise and cause the same to be unladen at the expense and risk of the owners thereof, or may place one or more inspectors or other customs officers on board of said vessel or vehicle to protect the revenue. The compensation and expenses of any such inspector or customs officer for subsistence while on board of such vessel or vehicle shall be reimbursed to the Government by the owner or master of such vessel or vehicle.

(June 17, 1930, ch. 497, title IV, § 457, 46 Stat. 716; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. §§ 2879, 2880 and 2969 (as amended by Act May 9, 1896, ch. 164, 29 Stat. 115), which were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 456, 42 Stat. 955, and were repealed by section 642 thereof. Section 456 of the 1922 Act was superseded by section 457 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1458. Bulk cargo, time for unlading

The limitation of time for unlading shall not extend to vessels laden exclusively with merchandise in bulk consigned to one consignee and arriving at a port for orders, but if the master of such vessel requests a longer time to discharge its cargo, the compensation of the inspectors or other customs officers whose services are required in connection with the unlading shall, for every day consumed in unlading in excess of twenty-five days from the date of the vessel's entry, be reimbursed by the master or owner of such vessel.

(June 17, 1930, ch. 497, title IV, § 458, 46 Stat. 717.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 458, 42 Stat. 956. That section was superseded by section 458 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions somewhat similar to those of this section, but applicable only to vessels laden with specified articles, was contained in R.S. § 2881, as amended by Act June 3, 1892, ch. 86, § 2, 27 Stat. 41, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

§ 1459. Contiguous countries; report and manifest

The master of any vessel of less than five net tons carrying merchandise and the person in charge of any vehicle arriving in the United States from contiguous country, shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which such vessel or vehicle shall cross the boundary line or shall enter the territorial waters of the United States, and if such vessel or vehicle have on board any merchandise, shall produce to such customs officer a manifest as required by law, and no such vessel or vehicle shall proceed farther inland nor shall discharge or land any merchandise, passengers, or baggage without receiving a permit therefor from such customs officer. Any person importing or bringing merchandise into the United States from a contiguous country otherwise than in a vessel or vehicle shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which he shall cross the boundary line and shall present such merchandise to such customs officer for inspection.

(June 17, 1930, ch. 497, title IV, § 459, 46 Stat. 717; June 25, 1938, ch. 679, § 10(a), 52 Stat. 1082.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 459, 42 Stat. 956. That section was superseded by section 459 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

R.S. § 3109, as amended by Act Feb. 17, 1898, ch. 26, § 4, 30 Stat. 248, was omitted from the Code as superseded by this section. It read as follows:

"The master of any foreign vessel, laden or in ballast, arriving, whether by sea or otherwise, in the waters of the United States from any foreign territory adjacent to the northern, northeastern, or northwestern frontiers of the United States, shall report at the office of any collector or deputy collector of the customs, which shall be nearest to the point at which such vessel may enter such waters; and such vessel shall not transfer her cargo or passengers to another vessel or proceed farther inland, either to unlade or take in cargo, without a special permit from such collector or deputy collector, issued under and in accordance with such general or special regulations as the Secretary of the Treasury may, in his discretion, from time to time prescribe. This section shall also apply to trade with or through Alaska. For any violation of this section such vessel shall be seized and forfeited."

Provisions concerning the manner of importation, landing and unlading except in districts on the northern, northwestern and western boundaries, were contained in R.S. § 3095, as amended by Act April 27, 1904, ch. 1625, § 1, 33 Stat. 362.

Additional provisions concerning importations on the northern and northwestern boundaries, reports, manifests, entries, etc., were contained in R.S. §§ 3096 and 3097.

Provisions for the delivery of a manifest by the master of vessels, except registered vessels, and the person in charge of boats, vehicles, etc., coming from any foreign territory adjacent to the United States, were contained in R.S. § 3098.

R.S. § 3121, provided that the master of any vessel with cargo, passengers, or baggage from any foreign port, should obtain a permit and comply with existing laws before discharging or landing the same.

R.S. § 3128, made special provision for landing of merchandise imported by steamboat on Lake Champlain.

All of the foregoing sections of the Revised Statutes (3095-3098, 3109, 3121 and 3128) with the exception of R.S. § 3109, were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1938—Act June 25, 1938, substituted provisions requiring any person importing merchandise from a contiguous country otherwise than in a vessel to report his arrival at the nearest customshouse and present such merchandise for inspection for provisions setting penalties of $100 for for the failure of the master of any vessel to report its arrival in the United States, forfeiture of vessel and goods for unlading without a permit, and $500 for the unlading of any passenger without a permit.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1460 of this title.

§ 1460. Penalties for failure to report or file manifest

The master of any vessel or the person in charge of any vehicle who fails to report arrival in the United States as required by section 1459 of this title, or if so reporting proceeds further inland without a permit from the proper customs officer, shall be subject to a penalty of $100 for each offense. If any merchandise is imported or brought into the United States in any vessel or vehicle, or by any person otherwise than in a vessel or vehicle, from a contiguous country, which vessel, vehicle, or merchandise is not so reported to the proper customs officers; or if the master of such vessel or the person in charge of such vehicle fails to file a manifest for the merchandise carried therein, or discharges or lands such merchandise without a permit; such merchandise and the vessel or vehicle, if any, in which it was imported or brought into the United States shall be subject to forfeiture; and the master of such vessel or the person in charge of such vehicle, or the person importing or bringing in merchandise otherwise than in a vessel or vehicle, shall, in addition to any other penalty, be liable to a penalty equal to the value of the merchandise which was not reported, or not included in the manifest, or which was discharged or landed without a permit. If any vessel or vehicle not so reported carries any passenger; or if any passenger is discharged or landed from any such vessel or vehicle before it is so reported, or after such report but without a permit; the master of the vessel or the person in charge of the vehicle shall, in addition to any other penalty, be liable to a penalty of $500 for each passenger so carried, discharged, or landed.

(June 17, 1930, ch. 497, title IV, § 460, 46 Stat. 717; June 25, 1938, ch. 679, § 10(b), 52 Stat. 1082.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 460, 42 Stat. 956. That section was superseded by section 460 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions for forfeiture and penalty in case of neglect or refusal to deliver a manifest, or in case of avoidance of the office of the collector or deputy collector, were contained in R.S. § 3099, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1938—Act June 25, 1938, amended section generally.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

§ 1461. Inspection of merchandise and baggage

All merchandise and baggage imported or brought in from any contiguous country, except as otherwise provided by law or by regulations of the Secretary of the Treasury, shall be unladen in the presence of and be inspected by a customs officer at the first port of entry at which the same shall arrive; and such officer may require the owner, or his agent, or other person having charge or possession of any trunk, traveling bag, sack, valise, or other container, or of any closed vehicle, to open the same for inspection, or to furnish a key or other means for opening the same.

(June 17, 1930, ch. 497, title IV, § 461, 46 Stat. 717.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. § 3100, as amended by Act Feb. 18, 1875, ch. 80, § 1, 18 Stat. 319, and Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 248, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 461, 42 Stat. 956, and was repealed by section 642 thereof. Section 461 of the 1922 Act was superseded by section 461 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

§ 1462. Forfeiture

If such owner, agent, or other person shall fail to comply with his demand, the officer shall retain such trunk, traveling bag, sack, valise, or other container or closed vehicle, and open the same, and, as soon thereafter as may be practicable, examine the contents, and if any article subject to duty or any article the importation of which is prohibited is found therein, the whole contents and the container or vehicle shall be subject to forfeiture.

(June 17, 1930, ch. 497, title IV, § 462, 46 Stat. 718.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. § 3101, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 462, 42 Stat. 956, and was repealed by section 642 thereof. Section 462 of the 1922 Act was superseded by section 462 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

§ 1463. Sealed vessels and vehicles

To avoid unnecessary inspection of merchandise imported from a contiguous country at the first port of arrival, the master of the vessel or the person in charge of the vehicle in which such merchandise is imported may apply to the customs officer of the United States stationed in the place from which such merchandise is shipped, and such officer may seal such vessel or vehicle. Any vessel or vehicle so sealed may proceed with such merchandise to the port of destination under such regulations as the Secretary of the Treasury may prescribe.

(June 17, 1930, ch. 497, title IV, § 463, 46 Stat. 718.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 463, 42 Stat. 957. That section was superseded by section 463 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions somewhat similar to those of this section, and further provisions requiring the vessel, car, or vehicle sealed to proceed without unnecessary delay to the port of destination and be there inspected, and providing that nothing contained therein should exempt the vessel, car, or vehicle from examinations to prevent frauds, were contained in R.S. § 3102, and provisions authorizing and requiring the Secretary of the Treasury to make regulations for sealing vessels, cars, etc., were contained in section 3103. Both of those sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

§ 1464. Penalties in connection with sealed vessels and vehicles

If the master of such vessel or the person in charge of any such vehicle fails to proceed with reasonable promptness to the port of destination and to deliver such vessel or vehicle to the proper officers of the customs, or fails to proceed in accordance with such regulations of the Secretary of the Treasury, or unlades such merchandise or any part thereof at other than such port of destination, or disposes of any such merchandise by sale or otherwise, he shall be guilty of a felony and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than five years, or both; and any such vessel or vehicle, with its contents, shall be subject to forfeiture.

(June 17, 1930, ch. 497, title IV, § 464, 46 Stat. 718.)

PRIOR PROVISIONS

Provisions somewhat similar to those of this section, with a further provision for seizure of the vessel, car, or vehicle with its contents, and a provision that nothing therein should prevent sales of cargo prior to arrival, to be delivered per manifest and after due inspection, were contained in R.S. § 3104, which was superseded in part by Act Sept. 21, 1922, ch. 356, title IV, § 464, 42 Stat. 957, and was repealed by section 642 thereof. Section 464 of the 1922 Act was superseded by section 464 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

CROSS REFERENCES

Felony and misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

Provisions restricting the seizure and forfeiture of vessels used as common carriers, see section 1594 of this title.

§ 1465. Supplies

The master of any vessel of the United States documented to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers shall, upon arrival from a foreign contiguous territory, file with the manifest of such vessel a detailed list of all supplies or other merchandise purchased in such foreign country for use or sale on such vessel, and also a statement of the cost of all repairs to and all equipment taken on board such vessel. The conductor or person in charge of any railway car arriving from a contiguous country shall file with the manifest of such car a detailed list of all supplies or other merchandise purchased in such foreign country for use in the United States. If any such supplies, merchandise, repairs, or equipment shall not be reported, the master, conductor, or other person having charge of such vessel or vehicle shall be liable to a fine of not less than $100 and not more than $500, or to imprisonment for not more than two years, or both.

(June 17, 1930, ch. 497, title IV, § 465, 46 Stat. 718.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 465, 42 Stat. 957. That section was superseded by section 465 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

CROSS REFERENCES

Felony and misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1498 of this title.

§ 1466. Equipment and repairs of vessels

(a) Vessels subject to duty; penalties

The equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country upon a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited. For the purposes of this section, compensation paid to members of the regular crew of such vessel in connection with the installation of any such equipments or any part thereof, or the making of repairs, in a foreign country, shall not be included in the cost of such equipment or part thereof, or of such repairs.

(b) Remission for necessary repairs

If the owner or master of such vessel furnishes good and sufficient evidence that—

(1) such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety and seaworthiness of the vessel to enable her to reach her port of destination;

(2) such equipments or parts thereof or repair parts or materials, were manufactured or produced in the United States, and the labor necessary to install such equipments or to make such repairs was performed by residents of the United States, or by members of the regular crew of such vessel; or

(3) such equipments, or parts thereof, or materials, or labor, were used as dunnage for cargo, or for the packing or shoring thereof, or in the erection of temporary bulkheads or other similar devices for the control of bulk cargo, or in the preparation (without permanent repair or alteration) of tanks for the carriage of liquid cargo;

then the Secretary of the Treasury is authorized to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments or parts thereof or materials and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this section, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

(c) Vessels used primarily for purposes other than transporting passengers or property in the foreign or coasting trade

In the case of any vessel designed and used primarily for purposes other than transporting passengers or property in the foreign or coasting trade which arrives in a port of the United States two years or more after its last departure from a port of the United States, the duties imposed by this section shall apply only with respect to (1) fish nets and netting, and (2) other equipments, and parts thereof, and repair parts and materials purchased, or repairs made, during the first six months after the last departure of such vessel from a port of the United States.

(June 17, 1930, ch. 497, title IV, § 466, 46 Stat. 718; Jan. 5, 1971, Pub. L. 91-654, § 1, 84 Stat. 1944.)

PRIOR PROVISIONS

Provisions similar to those of subsecs. (a) and (b) of this section were contained respectively in R.S. §§ 3114 and 3115, as amended, which were formerly classified to sections 257 and 258 of this title prior to the repeal of such sections by section 3 of Pub. L. 91-654.

AMENDMENTS

1971—Subsec. (c). Pub. L. 91-654 added subsec. (c).

ENTRIES MADE IN CONNECTION WITH ARRIVALS OF VESSELS ON OR AFTER JANUARY 5, 1971; ENTRIES IN CONNECTION WITH THE ARRIVAL OF SHRIMP VESSELS AFTER JANUARY 1, 1969, AND BEFORE JANUARY 5, 1971

Section 2 of Pub. L. 91-654 provided that:

"(a) The amendment made by the first section of this Act [amending this section] shall apply with respect to entries made in connection with arrivals of vessels on or after the date of the enactment of this Act [Jan. 5, 1971].

"(b) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, any entry in connection with the arrival of a vessel used primarily for the catching of shrimp—

"(1) which was made after January 1, 1969, and before the date of the enactment of this Act, and

"(2) with respect to which there would have been no duty if the amendment made by the first section of this Act applied to such entry,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 [section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry had been made on the day after the date of the enactment of this Act."

§ 1467. Special inspection, examination, and search

Whenever a vessel from a foreign port or place or from a port or place in any Territory or possession of the United States arrives at a port or place in the United States or the Virgin Islands, whether directly or via another port or place in the United States or the Virgin Islands, the appropriate customs officer for such port or place of arrival may, under such regulations as the Secretary of the Treasury may prescribe and for the purpose of assuring compliance with any law, regulation, or instruction which the Secretary of the Treasury or the Customs Service is authorized to enforce, cause inspection, examination, and search to be made of the persons, baggage, and merchandise discharged or unladen from such vessel, whether or not any or all such persons, baggage, or merchandise has previously been inspected, examined, or searched by officers of the customs.

(June 17, 1930, ch. 497, title IV, § 467, as added June 25, 1938, ch. 679, § 11, 52 Stat. 1083, and amended June 2, 1970, Pub. L. 91-271, title III, § 301(g), 84 Stat. 288.)

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector of customs.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE

This section effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15

F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

PART III—ASCERTAINMENT, COLLECTION, AND RECOVERY OF DUTIES

§ 1481. Invoice; contents

(a) In general

All invoices of merchandise to be imported into the United States shall set forth—

(1) The port of entry to which the merchandise is destined;

(2) The time when, the place where, and the person by whom and the person to whom the merchandise is sold or agreed to be sold, or if to be imported otherwise than in pursuance of a purchase, the place from which shipped, the time when and the person to whom and the person by whom it is shipped;

(3) A detailed description of the merchandise, including the name by which each item is known, the grade or quality, and the marks, numbers, or symbols under which sold by the seller or manufacturer to the trade in the country of exportation, together with the marks and numbers of the packages in which the merchandise is packed;

(4) The quantities in the weights and measures of the country or place from which the merchandise is shipped, or in the weights and measures of the United States;

(5) The purchase price of each item in the currency of the purchase, if the merchandise is shipped in pursuance of a purchase or an agreement to purchase;

(6) If the merchandise is shipped otherwise than in pursuance of a purchase or an agreement to purchase, the value for each item, in the currency in which the transactions are usually made, or, in the absence of such value, the price in such currency that the manufacturer, seller, shipper, or owner would have received, or was willing to receive, for such merchandise if sold in the ordinary course of trade and in the usual wholesale quantities in the country of exportation;

(7) The kind of currency, whether gold, silver, or paper;

(8) All charges upon the merchandise, itemized by name and amount when known to the seller or shipper; or all charges by name (including commissions, insurance, freight, cases, containers, coverings, and cost of packing) included in the invoice prices when the amounts for such charges are unknown to the seller or shipper;

(9) All rebates, drawbacks, and bounties, separately itemized, allowed upon the exportation of the merchandise; and

(10) Any other facts deemed necessary to a proper appraisement, examination, and classification of the merchandise that the Secretary of the Treasury may require.

(b) Shipments not purchased and not shipped by manufacturer

If the merchandise is shipped to a person in the United States by a person other than the manufacturer, otherwise than by purchase, such person shall state on the invoice the time when, the place where, the person from whom such merchandise was purchased, and the price paid therefor in the currency of the purchase, stating whether gold, silver, or paper.

(c) Purchases in different consular districts

When the merchandise has been purchased in different consular districts for shipment to the United States and is assembled for shipment and embraced in a single invoice which is produced for certification under the provisions of paragraph (2) of subdivision (a) of section 1482 of this title, the invoice shall have attached thereto the original bills or invoices received by the shipper, or extracts therefrom, showing the actual prices paid or to be paid for such merchandise. The consular officer to whom the invoice is so produced for certification may require that any such original bill or invoice be certified by the consular officer for the district in which the merchandise was purchased.

(d) Exceptions by regulations

The Secretary of the Treasury may by regulations provide for such exceptions from the requirements of this section as he deems advisable.

(June 17, 1930, ch. 497, title IV, § 481, 46 Stat. 719.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 481, 42 Stat. 958. That section was superseded by section 481 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions as to the weights or measures, and currency, in which invoices should be made out and the contents of invoices, with additional provisions as to invoices of merchandise intended for immediate transportation without appraisement, and a provision as to the signing of the invoice, were contained in R.S. § 2837 and Act Oct. 3, 1913, ch. 16, § III, C, 38 Stat. 181 (superseding Customs Administrative Act of June 10, 1890, ch. 407, § 2, 26 Stat. 131, as amended by Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 91), which were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 481, 42 Stat. 958, and were repealed by sections 642 and 643 thereof.

R.S. §§ 2838, 2853 (as amended by Act June 10, 1880, ch. 190) and 2860, containing provisions concerning invoices and their contents, were repealed by Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141.

Act May 27, 1921, ch. 14, § 401, 42 Stat. 16, required invoices to contain, in addition to statements then required by law, such other statements as the Secretary of the Treasury should prescribe, and a statement as to the currency in which made out, and section 402 of that Act required the owner, importer, etc., to set forth on the invoice or statement in form of an invoice, and in the entry, in addition to statements then required by law such statements, under oath if required, as the Secretary might prescribe. These provisions were omitted from the Code as superseded by this section, and section 1485(a) of this title.

Provisions on the subject-matter of subdivision (c) of this section were contained in Act Oct. 3, 1913, ch. 16, § III, W, 38 Stat. 190, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 481, 42 Stat. 958, and repealed by section 643 thereof.

CROSS REFERENCES

Declarations to be indorsed on the invoices produced to the consular officer, see section 1482 of this title.

Entry of merchandise without invoice, see section 1484 of this title.

Furs and fur products, additional information required in invoices, see section 69d of Title 15, Commerce and Trade.

Invoices to be in triplicate or in quadruplicate if desired by the shipper in case of merchandise intended for immediate transportation without appraisement, see section 1482 of this title.

Wool products, additional information required in invoices, see section 68f of Title 15, Commerce and Trade.

§ 1482. Certified invoice

(a) Certification in general

Every invoice required pursuant to section 1484(b) of this title to be certified shall, at or before the time of the shipment of the merchandise, or as soon thereafter as the conditions will permit, be produced for certification to the consular officer of the United States—

(1) For the consular district in which the merchandise was manufactured, or purchased, or from which it was to be delivered pursuant to contract;

(2) For the consular district in which the merchandise is assembled and repacked for shipment to the United States, if it has been purchased in different consular districts.

(b) Declaration

Such invoices shall have indorsed thereon, when so produced, a verified declaration, in a form prescribed by the Secretary of the Treasury, stating whether the merchandise is sold or agreed to be sold, or whether it is shipped otherwise than in pursuance of a purchase or an agreement to purchase, that there is no other invoice differing from the invoice so produced, and that all the statements contained in such invoice and in such declaration are true and correct.

(c) Making and signing

Every certified invoice shall be made out in triplicate, or, for merchandise intended for immediate transportation under the provisions of section 1552 of this title, in quadruplicate, if desired by the shipper, and shall be signed by the seller or shipper, or the agent of either; but a person who has no interest in the merchandise except as broker or forwarder shall not be competent to sign any such invoice. Where any such invoice is signed by an agent, he shall state thereon the name of his principal.

(d) Certified under existing law

Such invoices shall be certified in accordance with the provisions of existing law.

(e) Disposition

The original of the invoice and, if made, the quadruplicate shall be delivered to the exporter to be forwarded to the consignee for use in making entry of the merchandise, and the triplicate shall be promptly transmitted by the consular officer to the appropriate customs officer at the port of entry named in the invoice. The duplicate shall be filed in the office of the consular officer by whom the invoice was certified, to be there kept until no longer needed in conducting the current business of the consular office, at which time it may be disposed of as provided by law.

(f) Certification by others than American consul

When merchandise is to be shipped from a place so remote from an American consulate as to render impracticable certification of the invoice by an American consular officer, such invoice may be certified by a consular officer of a nation at the time in amity with the United States, or if there be no such consular officer available such invoice shall be executed before a notary public or other officer having authority to administer oaths and having an official seal: *Provided*, That invoices for merchandise shipped to the United States from the Virgin Islands, American Samoa, the island of Guam, or the Canal Zone may be certified by the appropriate customs officer.

(g) Effective date

This section shall take effect August 16, 1930.

(June 17, 1930, ch. 497, title IV, § 482, 46 Stat. 720; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; Oct. 25, 1951, ch. 562, § 4(4), 65 Stat. 640; Aug. 8, 1953, ch. 397, § 16(a), 67 Stat. 517; June 2, 1970, Pub. L. 91-271, title III, § 301(h), 84 Stat. 288.)

CODIFICATION

Words "the Philippine Islands", referred to in subsec. (f), were omitted on the authority of Proc. No. 2695, which is set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse, and in which the President proclaimed the independence of the Philippines.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 482, 42 Stat. 959. That section was superseded by section 482 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions requiring the certification of the invoice by consular agents, were contained in Act Oct. 3, 1913, ch. 16, § III, D, 38 Stat. 181, which superseded provisions on the same subject contained in the Customs Administrative Act of June 10, 1890, ch. 407, § 3, 26 Stat. 131, as amended by Payne-Aldrich Tariff Act Aug. 5, 1909, ch. 6, § 28, 36 Stat. 91, and which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

R.S. § 2843 required that, for admission to entry of merchandise subject to ad valorem duty, belonging to a person not residing in the United States, who should have actually purchased it, the invoice should be verified by the oath of the owner, administered by a consul or other officer, and certified by him. R.S. § 2845 required that, for admission to entry of merchandise subject to ad valorem duty, belonging to a person not residing in the United States, who had not acquired it in the ordinary mode of bargain and sale, or belonging to the manufacturer, the invoice should be verified by the oath of the owner, administered and authenticated as prescribed in the two preceding sections. These sections were repealed by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141.

R.S. § 2850 provided that whenever the invoice or merchandise belonging to a person not residing in the United States had not been duly verified and authenticated, and, upon application to the Secretary of the Treasury, the merchandise had been refused entry, the same should be deemed suspected. It became inoperative by the repeal, by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, re-enacted by the Payne-Aldrich Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 104, of the special provisions of R.S. §§ 2843, 2845, for verification and authentication of such invoices and was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

R.S. § 2851 prescribed a fee of $2.50 for consular certification of invoices. It was repealed, and such fees were included with those for which, by R.S. § 1745 the President was authorized to prescribe rates, by Act April 5, 1906, ch. 1366, § 9.

R.S. § 2853, required invoices to be in triplicate and prescribed by whom they should be signed. It, and section 2855, relative to indorsements on the invoice were amended by Act June 10, 1880, ch. 190, § 4, 21 Stat. 173, to provide for quadruplicate invoices of merchandise intended to be transported, without appraisement under that Act. Section 2853 was repealed by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, and provisions of the same nature, with additions, were made by section 2 of that act, amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 91, and the Underwood Tariff Act of Oct. 3, 1913, ch. 16, § III, C, 38 Stat. 181, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989. The Act of June 10, 1880, mentioned above, was also repealed by section 643 of the Act of Sept. 21, 1922, ch. 356.

R.S. § 2854, providing for the production of invoices to the consul or other officer, and the indorsement of declarations thereon, was repealed by Customs Administrative Act of June 10, 1890, ch. 407, 26 Stat. 141, § 29.

R.S. § 2856 provided that, in case of merchandise imported from a foreign country adjacent to the United States, the declaration required in the two preceding sections might be made to, and the certificate indorsed by, the consul, vice-consul, or commercial agent at or nearest to the port of clearance for the United States. It was repealed by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, reenacted by the Payne-Aldrich Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 104.

Provisions requiring a declaration to be indorsed on the invoice, when produced for certification, and specifying its contents in detail, were contained in Act Oct. 3, 1913, ch. 16, § III, D, 38 Stat. 181, which superseded Customs Administrative Act June 10, 1890, ch. 407, § 3, Stat. 131, as amended by Payne-Aldrich Tariff Act Aug. 5, 1909, ch. 6, § 28, 36 Stat. 91, and which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989. An earlier provision on the subject was contained in R.S. § 2854, which was repealed by Customs Administrative Act June 10, 1890, ch. 407, § 29, 26 Stat. 141.

Provisions for the certification of invoices by others than American consuls were contained in R.S. § 2844, as amended by Act June 28, 1906, ch. 3569, 34 Stat. 539, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Provisions specifying the proceedings to be taken when from any cause the triplicate transmitted to the collector was not received at the port where the merchandise actually arrived, were contained in R.S. § 2857, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Amendments

1970—Subsec. (e). Pub. L. 91-271, § 301(h)(1), substituted "appropriate customs officer" for "collector of customs".

Subsec. (f). Pub. L. 91-271, § 301(h)(2), substituted "appropriate customs officer" for "collector of customs or the person acting as such, or by his deputy".

1953—Subsec. (a). Act Aug. 8, 1953, substituted "required pursuant to section 1484(b) of this title to be certified" for "covering merchandise exceeding $100 in value".

1951—Subsec. (e). Act Oct. 25, 1951, substituted "until no longer needed in conducting the current business of the consular office, at which time it may be disposed of as provided by law" for "until the Secretary of State authorizes its destruction".

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Effective Date of 1953 Amendment; Saving Clause

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

Cross References

Certification of invoices by consuls or other officers, and their duties in regard thereto, see sections 338 to 341 of this title.

Declaration—

As to port in which it is intended to make entry of merchandise, see section 338 of this title.

Filed on entry of merchandise, see section 1485 of this title.

Effect of "Philippine Trade Act of 1946" upon section, see sections 1351 to 1386 of Title 22, Foreign Relations and Intercourse.

Management and disposition of records, see sections 2901 et seq., 3101 et seq., and 3301 et seq. of Title 44, Public Printing and Documents.

Section Referred to in Other Sections

This section is referred to in section 1481 of this title.

§ 1483. Consignee as owner of merchandise

For the purposes of this subtitle—

(1) All merchandise imported into the United States shall be held to be the property of the person to whom the same is consigned; and the holder of a bill of lading duly indorsed by the consignee therein named, or, if consigned to order, by the consignor, shall be deemed the consignee thereof. The underwriters of abandoned merchandise and the salvors of merchandise saved from a wreck at sea or on or along a coast of the United States may be regarded as the consignees.

(2) A person making entry of merchandise under the provisions of subdivision (h) or (i) of section 1484 of this title (relating to entry on carrier's certificate and on duplicate bill of lading, respectively) shall be deemed the sole consignee thereof.

(June 17, 1930, ch. 497, title IV, § 483, 46 Stat. 721.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 483, 42 Stat. 959. That section was superseded by section 483 of the Tariff Act of 1930, comprising this section, and was repealed by section 641(a)(1) of the 1930 act.

Provisions similar to those of this section, except the provision relating to salvors, were contained in Act Oct. 3, 1913, ch. 16, § III, B, 38 Stat. 181, which re-enacted the provisions of the Payne-Aldrich Tariff Act Aug. 5, 1909, ch. 6, § 28, 36 Stat. 91, which substantially reenacted those of the Customs Administrative Act of June 10, 1890, ch. 407, § 1, 26 Stat. 131.

Earlier provisions on the subject matter of this section were contained in R.S. § 3058, as amended by Act Feb. 23, 1887, ch. 221, 24 Stat. 415, which was in part saved from repeal by Customs Administrative Act of June 10, 1890, § 20, as reenacted by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 104, but was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Section Referred to in Other Sections

This section is referred to in section 1484 of this title.

§ 1484. Entry of merchandise

(a) Requirement and time

Except as provided in sections 1490, 1498, 1552, and 1553 and in subdivision (j) of section 1336 of this title, and in subdivisions (h) and (i) of this section, the consignee of imported merchandise shall make entry therefor either in person or by an agent authorized by him in writing under such regulations as the Secretary of the Treasury may prescribe. Such entry shall be made at the customhouse within five days, exclusive of Sundays and holidays, after the entry of the importing vessel or report of the vehicle, or after the arrival at the port of destination in the case of merchandise transported in bond, unless the appropriate customs officer authorizes in writing a longer time.

(b) Production of certified invoice

The Secretary of the Treasury shall provide by regulation for the production of a certified invoice with respect to such merchandise as he deems advisable and for the terms and conditions under which such merchandise may be permitted entry under the provisions of this section without the production of a certified invoice.

(c) Production of bill of lading

The consignee shall produce the bill of lading at the time of making entry, except that—

(1) If the appropriate customs officer is satisfied that no bill of lading has been issued, the shipping receipt or other evidence satisfactory to such customs officer may be accepted in lieu thereof;

(2) The appropriate customs officer is authorized to permit entry and to release merchandise from customs custody without the production of the bill of lading if the person making such entry gives a bond satisfactory to such customs officer, in a sum equal to not less than one and one-half times the invoice value of the merchandise, to produce such bill of lading, to relieve such customs officer of all liability, to indemnify such customs officer against loss, to defend every action brought upon a claim for loss or damage, by reason of such release from customs custody or a failure to produce such bill of lading, and to entitle any person injured by reason of such release from customs custody to sue on such bond in his own name, without making such customs officer a party thereto. Any person so injured by such release may sue on such bond to recover any damages so sustained by him; and

(3) The provisions of this subdivision shall not apply in the case of an entry under subdivision (h) or (i) of this section (relating to entry on carrier's certificate and on duplicate bill of lading, respectively).

(d) Signing and contents

Such entry shall be signed by the consignee, or his agent, and shall set forth such facts in regard to the importation as the Secretary of the Treasury may require for the purpose of assessing duties and to secure a proper examination, inspection, appraisement, and liquidation, and shall be accompanied by such invoices, bills of lading, certificates, and documents as are required by law and regulations promulgated thereunder.

(e) Statistical enumeration

The Secretary of the Treasury, the Secretary of Commerce, and the United States International Trade Commission are authorized and directed to establish from time to time for statistical purposes an enumeration of articles in such detail as in their judgment may be necessary, comprehending all merchandise imported into the United States and exported from the United States, and shall seek, in conjunction with statistical programs for domestic production, to establish the comparability thereof with such enumeration of articles. All import entries and export declarations shall include or have attached thereto an accurate statement specifying, in terms of such detailed enumeration, the kinds and quantities of all merchandise imported and exported and the value of the total quantity of each kind of article.

(f) Packages included

If any of the certificates or documents necessary to make entry of any part of merchandise arriving on one vessel or vehicle and consigned to one consignee have not arrived, such part may be entered subsequently, and notation of the packages or cases to be omitted from the original entry shall be made thereon. One or more packages arriving on one vessel or vehicle addressed for delivery to one person and imported in another package containing packages addressed for delivery to other persons may be separately entered, under such rules and regulations as the Secretary of the Treasury may prescribe. All other merchandise arriving on one vessel or vehicle and consigned to one consignee shall be included in one entry, unless the Secretary of the Treasury shall authorize the inclusion of portions of such merchandise in separate entries under such rules and regulations as he may prescribe; except that, in the case of articles not subject to a quantitative or tariff-rate quota, entry for the entire quantity covered by an entry for immediate transportation made under section 1552 of this title may be accepted at the port of entry designated by the consignee, or his agent, in such entry after the arrival of any part of such quantity at such designated port or at such other place of deposit as may be authorized in accordance with regulations prescribed by the Secretary of the Treasury.

(g) Statement of cost of production

Under such regulations as the Secretary of the Treasury may prescribe, the appropriate customs officer may require a verified statement from the manufacturer or producer showing the cost of production of the imported merchandise, when necessary to the appraisement of such merchandise.

(h) Entry on carrier's certificate

Any person certified by the carrier bringing the merchandise to the port at which entry is to be made to be the owner or consignee of the merchandise, or an agent of such owner or consignee, may make entry thereof, either in person or by an authorized agent, in the manner and subject to the requirements prescribed in this section (or in regulations promulgated hereunder) in the case of a consignee within the meaning of paragraph (1) of section 1483 of this title.

(i) Entry on duplicate bill of lading

Any person may, upon the production of a duplicate bill of lading signed or certified to be genuine by the carrier bringing the merchandise to the port at which entry is to be made, make entry for the merchandise in respect of which such bill of lading is issued, in the manner and subject to the requirements prescribed in this section (or in regulations promulgated hereunder) in the case of a consignee within the meaning of paragraph (1) of section 1483 of this title, except that such person shall make such entry in his own name.

(j) Release of merchandise

Merchandise shall be released from customs custody only to or upon the order of the carrier by whom the merchandise is brought to the port at which entry is made, except that merchandise in a bonded warehouse shall be released from customs custody only to or upon the order of the proprietor of the warehouse. The customs officer shall return to the person making entry the bill of lading (if any is produced) with a notation thereon to the effect that entry for such merchandise has been made. The customs officer shall not be liable to any person in respect of the delivery of merchandise released from customs custody in accordance with the provisions of this section. Where a recovery is had in any suit or proceedings against a customs officer on account of the release of merchandise from customs custody, in the performance of his official duty, and the court certifies that there was probable cause for such release by such customs officer, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such customs officer, but the amount so recovered shall, upon final judgment, be paid out of moneys appropriated from the Treasury for that purpose.

(June 17, 1930, ch. 497, title IV, § 484, 46 Stat. 722; June 25, 1938, ch. 679, § 12, 52, Stat. 1083; Aug. 8, 1953, ch. 397, §§ 3(b), 16(b), (c), 67 Stat. 509, 517; June 2, 1970, Pub. L. 91-271, title III, § 301(i), 84 Stat. 288; Jan. 3, 1975, Pub. L. 93-618, title VI, § 608(a), 88 Stat. 2073.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 484, 42 Stat. 960. That section was superseded by section 484 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions requiring entry of goods, and prescribing the manner of making it, the documents to be produced, etc., were contained in R.S. § 2785. Provision for entry when the particulars of the merchandise were unknown was made by R.S. § 2788. A special provision regarding entry of distilled spirits and wines was contained in R.S. § 2794. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, Title IV, § 642, 42 Stat. 989.

Provisions relating to the production of certified invoices were contained in Act Oct. 3, 1913, ch. 16, § III, E, 38 Stat. 182, which re-enacted the provisions of the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 92, which amended Customs Administrative Act of June 10, 1890, ch. 407, § 4, 26 Stat. 131. Said section III, E, was repealed by Act Sept. 21, 1922, ch. 356, Title IV, § 643, 42 Stat. 989. Earlier provisions were contained in R.S. § 2860, and Act June 22, 1874, ch. 391, §§ 9, 10, and 11, all repealed by Act June 10, 1890, ch. 407, § 29, 26 Stat. 141.

R.S. § 2842 required bond for the production of an invoice duly certified by the oath of the owner or one of them, in the case of merchandise belonging to a resident of the United States absent from the place of entry. R.S. § 2852, provided that when merchandise was admitted to entry on invoice, the collector should certify the same, and no other evidence of value should be admitted on the part of the owner, except in corroboration of the entry. R.S. § 2859, made special provision for entry of merchandise from countries where there was no United States consul, etc. These sections were all repealed by Act Sept. 21, 1922, ch. 356, Title IV, § 642, 42 Stat. 989.

R.S. §§ 2847 and 2848 authorized the Secretary of the Treasury to admit to entry in certain cases merchandise subject to ad valorem duty, belonging to a person not residing in the United States, not accompanied with an invoice verified and authenticated as required by preceding section. They became inoperative by the repeal of R.S. §§ 2843, 2845, by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, re-enacted by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 104, and the enactment of provisions for entry of goods without invoice by section 4 of said Customs Administrative Act amended by the Payne-Aldrich Tariff Act, and further amended by the Underwood Tariff Act of Oct. 3, 1913, ch. 16, § III, E, and were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

R.S. § 2858, provided that the Secretary of the Treasury, whenever it had become impracticable for the person desiring to make entry of merchandise to produce any invoice thereof, might authorize the entry thereof, and remit forfeitures in such cases, as in other cases under the revenue laws. It was repealed by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, re-enacted by the Payne-Aldrich Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 104.

A provision relating to statistical enumeration of merchandise, except that the "accurate statement" was to be a part of the declaration therein provided for, and a further provision making it the duty of the consular officer to whom the invoice should be produced to require the information to be given, were contained in Act Oct. 3, 1913, ch. 16, § III, F, 38 Stat. 182, amending the Customs Administrative Act of June 10, 1890, ch. 407, § 5, 26 Stat. 132, as previously amended by Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 95. Said section III, F, was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

Prior provisions on the subject of subsequent entry of part of merchandise and separate entry of packages contained in packages for delivery to others were contained in Act May 1, 1876, ch. 89, § 1, 19 Stat. 49, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989; and in Act Oct. 3, 1913, ch. 16, § III, F. 38 Stat. 182, amending Customs Administrative Act of June 10, 1890, ch. 407, § 5, 26 Stat. 132, as previously amended by Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 95. Said section III, F, was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

AMENDMENTS

1975—Subsec. (e). Pub. L. 93-618 substituted "United States International Trade Commission" for "United States Tariff Commission" and inserted references to an enumeration of articles exported from the United States and, in conjunction with statistical programs for domestic production, to the establishment of the comparability thereof with the enumeration of articles.

1970—Subsec. (a). Pub. L. 91-271, § 301(i)(1), substituted reference to the appropriate customs officer for reference to the collector.

Subsec. (c). Pub. L. 91-271, § 301(i)(2), (3), substituted references to the appropriate customs officer or such customs officer for references to the collector wherever appearing therein.

Subsec. (g). Pub. L. 91-271, § 301(i)(4), substituted reference to the appropriate customs officer for reference to the collector or the appraiser.

Subsec. (j). Pub. L. 91-271, § 301(i)(5), (6), substituted references to the customs officer or such customs officer for references to the collector wherever appearing therein.

1953—Subsec. (a). Act Aug. 8, 1953, § 16(b), substituted "five days" for "forty-eight hours".

Subsec. (b). Act Aug. 8, 1953, § 16(c), granted the Secretary of the Treasury discretion to require certified invoices with respect to merchandise entered as he deems advisable and to establish terms under which merchandise may be imported without a certified invoice, in lieu of former provision that all such merchandise should be accompanied by an invoice certified by a United States consulate except in certain enumerated situations, and of the former provision that the Secretary might grant certain other exceptions.

Subsec. (f). Act Aug. 8, 1953, § 3(b), added provision relating to acceptance at port of entry designated by the consignee or his agent in cases of articles not subject to a quantitative or tariff-rate quota.

1938—Subsec. (f). Act June 25, 1938, inserted provision relating to authorization by the Secretary for inclusion of portions of merchandise in separate entries under such rules and regulations as he may prescribe.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 608(e) of Pub. L. 93-618 provided that: "The amendment made by subsection (a) [amending subsec. (e) of this section] insofar as it related to export declarations shall take effect on January 1, 1976."

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

COOPERATION OF GOVERNMENTAL AGENCIES WITH SECRETARY OF COMMERCE AND UNITED STATES INTERNATIONAL TRADE COMMISSION IN STUDIES AND INVESTIGATIONS

Section 608(d) of Pub. L. 93-618 provided that: "The President is requested to direct the appropriate agencies to cooperate fully with the Secretary of Commerce and the United States International Trade Commission in carrying out their responsibilities under subsections (a) [amending subsec. (e) of this section], (b) [set out as a note under this section], and (c) [set out as a note under this section]."

INVESTIGATION BY UNITED STATES INTERNATIONAL TRADE COMMISSION; FORMULATION OF INTERNATIONAL COMMODITY CODE

Section 608(c) of Pub. L. 93-618 authorized an investigation by the United States International Trade Commission to provide the basis for the formulation of an international commodity code (with a report to be submitted to both Houses of Congress and to the President no later than June 1, 1975) and to provide the basis for full and immediate participation by the Trade Commission in the United States contribution to technical work of the Harmonized Systems Committee to assure recognition of the needs of the business community in the development of a harmonized code.

STUDY OF COMMODITY CLASSIFICATION SYSTEMS

Section 608(b) of Pub. L. 93-618 mandated a joint study by the Secretary of Commerce and the United States International Trade Commission with a view toward development of an enumeration of articles resulting in comparability of import, production, and export data, with the submission of a report to both Houses of Congress and to the President no later than Aug. 1, 1975.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1448, 1482, 1483, 1485 of this title; title 15 section 70g.

§ 1485. Declaration

(a) Requirement; form and contents

Every consignee making an entry under the provisions of section 1484 of this title shall make and file therewith, in a form to be prescribed by the Secretary of the Treasury, a declaration under oath, stating—

(1) Whether the merchandise is imported in pursuance of a purchase or an agreement to purchase, or whether it is imported otherwise than in pursuance of a purchase or agreement to purchase;

(2) That the prices set forth in the invoice are true, in the case of merchandise purchased or agreed to be purchased; or in the case of merchandise secured otherwise than by purchase or agreement to purchase, that the statements in such invoice as to value or price are true to the best of his knowledge and belief;

(3) That all other statements in the invoice or other documents filed with the entry, or in the entry itself, are true and correct; and

(4) That he will produce at once to the appropriate customs officer any invoice, paper, letter, document, or information received showing that any such prices or statements are not true or correct.

(b) Books and periodicals

The Secretary of the Treasury is authorized to prescribe regulations for one declaration in the case of books, magazines, newspapers, and periodicals published and imported in successive parts, numbers, or volumes, and entitled to free entry.

(c) Agents

In the event that an entry is made by an agent under the provisions of section 1484 of this title and such agent is not in possession of such declaration of the consignee, such agent shall give a bond to produce such declaration.

(d) Liability of consignee for increased duties

A consignee shall not be liable for any additional or increased duties if (1) he declares at the time of entry that he is not the actual owner of the merchandise, (2) he furnishes the name and address of such owner, and (3) within ninety days from the date of entry he produces a declaration of such owner conditioned that he will pay all additional and increased duties, under such regulations as the Secretary of the Treasury may prescribe. Such owner shall possess all the rights of a consignee.

(e) Separate forms for purchase and nonpurchase importations

The Secretary of the Treasury shall prescribe separate forms for the declaration in the case of merchandise which is imported in pursuance of a purchase or agreement to purchase and merchandise which is imported otherwise than in pursuance of a purchase or agreement to purchase.

(f) Deceased or insolvent persons; partnerships and corporations

Whenever such merchandise is consigned to a deceased person, or to an insolvent person who has assigned the same for the benefit of his creditors, the executor or administrator, or the assignee of such person or receiver or trustee in bankruptcy, shall be considered as the consignee; when consigned to a partnership the declaration of one of the partners only shall be required, and when consigned to a corporation such declaration may be made by any officer of such corporation. Whether the consignee is an individual, a partnership, or a corporation, the declaration may be made by any person who has knowledge of the facts and who is specifically authorized by such individual, a member of such partnership, or an officer of such corporation to make such declaration.

(June 17, 1930, ch. 497, title IV, § 485, 46 Stat. 724; June 25, 1938, ch. 679, § 13, 52 Stat. 1083; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 485, 42 Stat. 961. That section was superseded by section 485 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions for a declaration to be filed when merchandise was entered by invoice, were contained in the Customs Administrative Act of June 10, 1890, ch. 407, § 5, 26 Stat. 132, as amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 95, and by Act Oct. 3, 1913, ch. 16, § III, F, 38 Stat. 182. The sections of the Acts of 1890 and 1913, referred to, were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

R.S. § 2786, requiring entries to be verified by oath, was superseded by the Customs Administrative Act of June 10, 1890, ch. 407, §§ 4, 5, 22, 26 Stat. 131, 132, 140, amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 92, 102, and further amended by the Underwood Tariff Act of Oct. 3, 1913, ch. 16, § III, E, F, and section IV, S, of that act, and was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

R.S. § 2841 prescribed the forms of oaths of which one, according to the nature of the case, was required to be administered by the collector at the time of the entry of merchandise by invoice. It was modified by Act May 1, 1876, ch. 89, § 2, 19 Stat. 49, and repealed by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, amended and reenacted by the Payne-Aldich Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 104, and declarations in lieu of oaths were required to accompany the invoice by section 5 of the Customs Administrative Act, amended by the Payne-Aldrich Act and further amended by the Underwood Tariff Act of Oct. 3, 1913, ch. 16, § III, F. All oaths administered by officers of the customs, except as provided in the Customs Administrative Act, were abolished by section 22 thereof amended by section 28 of the Payne-Aldrich Act.

The provisions for the abolition of fees and oaths on entry of goods, made by the Customs Administrative Act of June 10, 1890, ch. 407, § 22, 26 Stat. 140, as amended by the Payne-Aldrich Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 102, were superseded by a proviso annexed to section IV, S, of the Underwood Tariff Act of Oct. 3, 1913, which provided that "nothing in this act shall be construed to permit any oaths to be demanded or fees to be charged except as provided in this act," etc.

Act May 1, 1876, ch. 89, § 2, 19 Stat. 49, modifying the form of oath prescribed by R.S. § 2841, was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

R.S. § 2849, relative to oaths when merchandise belonged in part to a resident of the United States and in part to a non-resident was superseded in part by the Customs Administrative Act of June 10, 1890, ch. 407, §§ 5, 22, 29, 26 Stat. 132, 140, 141, amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 92, 102, 104, and further amended by the Underwood Tariff Act of Oct. 3, 1913, ch. 16, § III, B-J, and was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Prior provisions requiring a bond to be taken when entry was made by an agent, factor, or person other than the owner or ultimate consignee, and prescribing the conditions, etc., of the bond, and the circumstances under which it might be canceled with a proviso authorizing the taking of a general penal bond, were contained in R.S. § 2787, as amended by Act March 2, 1905, ch. 1306, 33 Stat. 826, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Provisions concerning the statement to be presented to the collector when merchandise entered for customs duty had been consigned for sale to a person, agent, partner, or consignee, were contained in Act Oct. 3, 1913, ch. 16, § III, J, 38 Stat. 185, which re-enacted the provisions of the Customs Administrative Act of June 10, 1890, ch. 407, 26 Stat. 131, and the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 96, and which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

A prior provision relative to oaths to invoices when merchandise belonged to estates of deceased persons or of persons insolvent was contained in R.S. § 2846, which was superseded, in part, by the abolition of all oaths administered by officers of the customs, except as provided therein, by the Customs Administrative Act of June 10, 1890, ch. 407, § 22, 26 Stat. 140, and by the repeal, by section 29 of that act, 26 Stat. 141, of R.S. §§ 2841, 2843, 2845, which required oaths to accompany invoices on entry of merchandise, and the substitution of declarations for such oaths, by sections 3-5 of said act, 26 Stat. 131, amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 102, and further amended by the Underwood Tariff Act of Oct. 3, 1913, ch. 16, § III, D, F, and § IV, S, 38 Stat. 181.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

1938—Subsec. (f). Act June 25, 1938, changed the comma to a period following "such declaration may be made by any officer of such corporation", eliminated "or by any other person specifically authorized by any officer of such corporation to make the same" following said comma, and inserted in lieu thereof a new sentence providing that whether the consignee is an individual, a partnership, or a corporation, the declaration may be made by any person having knowledge of the facts and authorized to make such declaration.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Effective Date of 1938 Amendment

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

Section Referred to in Other Sections

This section is referred to in section 1592 of this title; title 15 section 70g.

§ 1486. Administration of oaths

(a) Customs officers

The following officers and employees may administer any oaths required or authorized by law or regulations promulgated thereunder in respect of any matter coming before such officers or employees in the performance of their official duties: (1) Any customs officer appointed by the President; (2) the chief assistant of any such officer, or any officer or employee of the customs field service designated for the purpose by such officer or by the Secretary of the Treasury; and (3) any officer or employee of the United States Customs Service designated for the purpose by the Secretary of the Treasury.

(b) Postmasters

The postmaster or assistant postmaster of the United States at any post office where customs officers are not stationed, is authorized to administer any oaths required to be made to statements in customs documents by importers of merchandise, not exceeding $100 in value, through the mails.

(c) No compensation

No compensation or fee shall be demanded or accepted for administering any oath under the provisions of this section.

(d) Verification in lieu of oath

The Secretary of the Treasury may by regulation prescribe that any document required by any law administered by the Customs Service to be under oath may be verified by a written declaration in such form as he shall prescribe, such declaration to be in lieu of the oath otherwise required.

(June 17, 1930, ch. 497, title IV, § 486, 46 Stat. 725; Aug. 8, 1953, ch. 397, § 17, 67 Stat. 517.)

Amendments

1953—Subsec. (d). Act Aug. 8, 1953 added subsec. (d).

Change of Name

The Bureau of Customs was redesignated the United States Customs Service by Treasury Department Order No. 165-23 effective Aug. 1, 1973.

Effective Date of 1953 Amendment; Saving Clause

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

Transfer of Functions

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1487. Value in entry; amendment

The consignee or his agent may, under such regulations as the Secretary of the Treasury may prescribe, at the time entry is made, make in the entry such additions to or deductions from the cost or value given in the invoice as, in his opinion, may raise or lower the same to the value of such merchandise.

(June 17, 1930, ch. 497, title IV, § 487, 46 Stat. 725; Aug. 8, 1953, ch. 397, § 18(a), 67 Stat. 517.)

Prior Provisions

Provisions somewhat similar to those of this section were contained in Act Oct. 3, 1913, ch. 16, § III, I, 38 Stat. 184, which were substituted for provisions made by the Customs Administrative Act of June 10, 1890, ch. 407, § 7, 26 Stat. 134, as amended by Act July 24, 1897, ch. 11, § 32, 30 Stat. 211, and as further amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 95. Section III of the Act of 1913 was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 487, 42 Stat. 962, and was repealed by section 643 thereof. Section 487 of the 1922 Act was superseded by section 487 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions for addition to the invoice values made by R.S. § 2900, were repealed by section 29 of the Customs Administrative Act.

Amendments

1953—Act Aug. 8, 1953, struck out "or at any time before the invoice or the merchandise has come under the observation of the appraiser for the purpose of appraisement," which followed "at the time entry is made,".

Effective Date of 1953 Amendment; Saving Clause

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

§ 1488. Repealed. Pub. L. 91-271, title II, § 204(b), June 2, 1970, 84 Stat. 283

Section, act June 17, 1930, ch. 497, title IV, § 488, 46 Stat. 725, authorized a collector to cause the appraisal of entered merchandise.

Effective Date of Repeal

For effective date of repeal, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1489. Repealed. Pub. L. 87-456, title III, § 301(a), May 24, 1962, 76 Stat. 75

Section, acts June 17, 1930, ch. 497, title IV, § 489, 46 Stat. 725; Aug. 8, 1953, ch. 397, § 18(b), 67 Stat. 517, related to entry of antique furniture at designated ports. See Revised Tariff Schedules set out in section 1202 of this title.

Effective Date of Repeal

For effective date of repeal, see section 501(a) of Pub. L. 87-456, set out as an Effective Date of Tariff Classification Act of 1962 note preceding section 1202 of this title.

§ 1490. General orders

(a) Incomplete entry

Whenever entry of any imported merchandise is not made within the time provided by law or the regulations prescribed by the Secretary of the Treasury, or whenever entry of such merchandise is incomplete because of failure to pay the estimated duties, or whenever, in the opinion of the appropriate customs officer, entry of such merchandise can not be made for want of proper documents or other cause, or whenever the appropriate customs officer believes that any merchandise is not correctly and legally invoiced, he shall take the merchandise into his custody and send it to a bonded warehouse or public store, to be held at the risk and expense of the consignee until entry is made or completed and the proper documents are produced, or a bond given for their production.

(b) At request of consignee

At the request of the consignee of any merchandise, or of the owner or master of the vessel or the person in charge of the vehicle in which the same is imported, any merchandise may be taken possession of by the appropriate customs officer after the expiration of one day after the entry of the vessel or report of the vehicle and may be unladen and held at the risk and expense of the consignee until entry thereof is made.

(June 17, 1930, ch. 497, title IV, § 490, 46 Stat. 726; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 490, 42 Stat. 963. That section was superseded by section 490 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions authorizing the collector to take possession of, or store merchandise were contained in the following sections, all of which were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989:

R.S. § 2789, authorizing the collector, when an entry was imperfect, to take the merchandise into his custody until the quantity, quality, or value could be ascertained;

R.S. § 2840, providing that when the collector should suspect that merchandise was not invoiced at a sum equal to that for which it had usually been sold, he should take possession and retain the same until its value had been ascertained and the duties paid or secured;

R.S. § 2926, providing that merchandise of which incomplete entry had been made, or entry without specification of particulars, should be conveyed to some warehouse or designated by the collector to remain until the particulars, cost or value should have been ascertained, and the duties paid or secured, and a permit for delivery granted;

R.S. § 2963, providing that when merchandise had not been entered it should be deposited in a public warehouse, and there remain until an invoice was produced, but that it should not be construed to prohibit sales of merchandise to discharge duties and charges;

R.S. § 2964, authorizing the collector to take possession of merchandise, and deposit it in public stores, or other stores to be agreed on, in case of failure or neglect to pay duties, or when the owner, etc., should make entry for warehousing;

R.S. § 2965, providing for the storage in a public warehouse, or private bonded warehouse, of unclaimed merchandise required to be taken possession of by collectors, and making provision for payment of charges and expenses;

R.S. § 2966, as amended by Act June 26, 1884, ch. 121, § 24, 23 Stat. 58, providing for the deposit in a bonded warehouse of merchandise imported in vessels, when it should appear by the bills of lading that it was to be delivered immediately after entry of the vessel, or on request, when it did not so appear.

A prior provision authorizing the collector to require a bond for the production of proof to enable the collector to ascertain the class or description of manufacture, or rate of duty to which merchandise was liable, was contained in R.S. § 2925, which was also repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector wherever appearing therein.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1484 of this title.

§ 1491. Unclaimed merchandise

Any entered or unentered merchandise (except merchandise entered under section 1557 of this title, but including merchandise entered for transportation in bond or for exportation) which shall remain in customs custody for one year from the date of importation thereof, without all estimated duties and storage or other charges thereon having been paid, shall be considered unclaimed and abandoned to the Government and shall be appraised and sold by the appropriate customs officer at public auction under such regulations as the Secretary of the Treasury shall prescribe. All gunpowder and other explosive substances and merchandise liable to depreciation in value by damage, leakage, or other cause to such extent that the proceeds of sale thereof may be insufficient to pay the duties, storage, and other charges, if permitted to remain in public store or bonded warehouse for a period of one year, may be sold forthwith, under such regulations as the Secretary of the Treasury may prescribe. Merchandise subject to sale hereunder or under section 1559 of this title may be entered or withdrawn from consumption at any time prior to such sale upon payment of all duties, storage, and other charges, and expenses that may have accrued thereon, but such merchandise after becoming subject to sale may not be exported prior to sale without the payment of such duties, charges, and expenses nor may it be entered for warehouse. The computation of duties for the purposes of this section and sections 1493 and 1559 of this title shall be at the rate or rates applicable at the time the merchandise becomes subject to sale.

(June 17, 1930, ch. 497, title IV, § 491, 46 Stat. 726; June 25, 1938, ch., 679, § 14, 52 Stat. 1083; June 2, 1970, Pub. L. 91-271, title III, § 301(j), 84 Stat. 289.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. §§ 2973, 2975 and 2976, all of which were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 491, 42 Stat. 963, and repealed by section 642 thereof. Section 491 of the 1922 Act was superseded by section 491 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Amendments

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector, and struck out reference to the appraiser of merchandise.

1938—Act June 25, 1938, amended generally so much of this section as preceded "shall be considered unclaimed and abandoned".

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Effective Date of 1938 Amendment

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

Extension of One-Year Period

For extension of one year period prescribed in this section, see Proc. No. 2948, Oct. 12, 1951, 16 F.R. 10589, 65 Stat. c41, set out as a note under section 1318 of this title.

Proc. No. 2599, Nov. 6, 1943, 8 F.R. 15359, 57 Stat. 758, as amended by Proc. No. 2712, Dec. 4, 1946, 11 F.R. 14133, 61 Stat. 1947 was superseded by Proc. No. 2948, Oct. 12, 1951, 16 F.R. 10589, 65 Stat. c41.

Section Referred to in Other Sections

This section is referred to in sections 1493, 1753 of this title.

§ 1492. Destruction of abandoned or forfeited merchandise

Except as provided in R.S. § 3369 (relating to tobacco and snuff), and in section 901 of the Revenue Act of 1926 (relating to distilled spirits), any merchandise abandoned or forefeited to the Government under the preceding or any other provision of the customs laws, which is subject to internal revenue tax and which the appropriate customs officer shall be satisfied will not sell for a sufficient amount to pay such taxes, shall be forthwith destroyed under regulations to be prescribed by the Secretary of the Treasury, instead of being sold at auction.

(June 17, 1930, ch. 497, title IV, § 492, 46 Stat. 727; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

References in Text

R.S. § 3369, referred to in the text, is now covered by sections 5723(a), and 5753 of Title 26, Internal Revenue Code.

Section 901 of Revenue Act of 1926, referred to in text, is now covered by section 5243 of Title 26.

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 492, 42 Stat. 963. That section was superseded by section 492 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior to its incorporation into the Code, this section read: "Except as provided in section 3369 of the Revised Statutes, as amended," etc. R.S. § 3369, as amended by Act Oct. 14, 1921, ch. 107, 42 Stat. 205, related in part to abandoned, condemned or forfeited tobacco, snuff, cigars, or cigarettes, which would not bring a price equal to the internal revenue tax thereon. So far as it related to tobacco and snuff, it was incorporated into the Code as sections 702(a)(1), 803(a)(1), (c), (d), and 890, of Title 26, Internal Revenue, and so far as it applied to cigars and cigarettes, it was incorporated into the Code as sections 812(d)(2) and 890, of that title.

Amendments

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Section Referred to in Other Sections

This section is referred to in section 1753 of this title.

§ 1493. Proceeds of sale

The surplus of the proceeds of sales under section 1491 of this title, after the payment of storage charges, expenses, duties, and the satisfaction of any lien for freight, charges, or contribution in general average, shall be deposited by the appropriate customs officer within the Treasury of the United States, if claim therefor shall no be filed with such customs officer within ten days from the date of sale, and the sale of such merchandise shall exonerate the master of any vessel in which the merchandise was imported from all claims of the owner thereof, who shall, nevertheless, on due proof of his interest, be entitled to receive from the Treasury the amount of any surplus of the proceeds of sale.

(June 17, 1930, ch. 497, title IV, § 493, 46 Stat. 727; June 2, 1970, Pub. L. 91-271, title III, § 301(e), 84 Stat. 288.)

Prior Provisions

Provisions substantially similar in most respects to those of this section, with further provisions concerning the documents to be forwarded by the collector to the Treasury Department, were contained in R.S. § 2974, which was superseded and more nearly assimilated to the present section by Act Sept. 21, 1922, ch. 356, title IV, § 493, 42 Stat. 964, and repealed by section 642 thereof. Section 493 of the 1922 Act was superseded by section 493 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Amendments

1970—Pub. L. 91-271 substituted references to the appropriate customs officer or such customs officer for references to the collector wherever appearing therein.

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Cross References

Repeal of permanent appropriation in this section, see section 725a of Title 31, Money and Finance.

Section Referred to in Other Sections

This section is referred to in sections 1491, 1559, 1753 of this title.

§ 1494. Expense of weighing and measuring

In all cases in which the invoice or entry does not state the weight, quantity, or measure of the merchandise, the expense of ascertaining the same shall be collected from the consignee before its release from customs custody.

(June 17, 1930, ch. 497, title IV, § 494, 46 Stat. 727.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 494, 42 Stat. 964. That section was superseded by section 494 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

A prior provision requiring merchandise to be weighed, gauged or measured at the expense of the owner, agent or consignee, in cases in which the invoice or entry did not contain the weight, quantity or measure was contained in R.S. § 2920, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

§ 1495. Partnership bond

When any bond is required by law or regulations to be executed by any partnership for any purpose connected with the transaction of business at any customhouse, the execution of such bond by any member of such partnership shall bind the other partners in like manner and to the same extent as if such other partners had personally joined in the execution, and an action or suit may be instituted on such bond against all partners as if all had executed the same.

(June 17, 1930, ch. 497, title IV, § 495, 46 Stat. 727.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 495, 42 Stat. 964. That section was superseded by section 495 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions substantially similar to those of this section, except that they applied to bonds for the payment of duties or for any other purpose connected with the general transaction of business at any customs house, were contained in Act June 20, 1876, ch. 136, 19 Stat. 60, as amended by Act Aug. 27, 1894, ch. 349, § 70, 28 Stat. 569, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

§ 1496. Examination of baggage

The appropriate customs officer may cause an examination to be made of the baggage of any person arriving in the United States in order to ascertain what articles are contained therein and whether subject to duty, free of duty, or prohibited notwithstanding a declaration and entry therefor has been made.

(June 17, 1930, ch. 497, title IV, § 496, 46 Stat. 727; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 496, 42 Stat. 964. That section was superseded by section 496 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Amendments

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1497. Penalties for failure to declare

Any article not included in the declaration and entry as made, and, before examination of the baggage was begun, not mentioned in writing by such person, if written declaration and entry was required, or orally if written declaration and entry was not required, shall be subject to a forefeiture and such person shall be liable to a penalty equal to the value of such article.

(June 17, 1930, ch. 497, title IV, § 497, 46 Stat. 728.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 497, 42 Stat. 964. That section was superseded by section 497 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

A prior provision for forfeiture of any article subject to duty found in baggage, and not mentioned to the collector before whom entry was made, and for a penalty of treble the value of the article, was contained in R.S. § 2802, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

§ 1498. Entry under regulations

(a) Authorized for certain merchandise

The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—

(1) Merchandise, imported in the mails or otherwise, when the aggregate value of the shipment does not exceed such amount, not greater than $250, as the Secretary of the Treasury shall specify in the regulations, and the specified amount may vary for different classes or kinds of merchandise or different classes of transactions;

(2) Merchandise damaged on the voyage of importation, by fire or through marine casualty or any other cause, without fault on the part of the shipper;

(3) Merchandise recovered from a wrecked or stranded vessel;

(4) Household effects used abroad and personal effects, not imported in pursuance of a purchase or agreement for purchase and not intended for sale;

(5) Articles sent by persons in foreign countries as gifts to persons in the United States;

(6) Articles carried on the person or contained in the baggage of a person arriving in the United States;

(7) Tools of trade of a person arriving in the United States;

(8) Personal effects of citizens of the United States who have died in a foreign country;

(9) Merchandise within the provisions of sections 257, 258 and 1465 of this title (relating to supplies, repairs, and equipment on ves-

sels and railway cars) at the first port of arrival;

(10) Merchandise when in the opinion of the Secretary of the Treasury the value thereof cannot be declared; and

(11) Merchandise within the provisions of paragraph 1631 of section 1201 of this title.

(b) Application of general provisions

The Secretary of the Treasury is authorized to include in such rules and regulations any of the provisions of section 1484 or 1485 of this title (relating, respectively, to entry and to declaration of merchandise generally).

(June 17, 1930, ch. 497, title IV, § 498, 46 Stat. 728; Aug. 8, 1953, ch. 397, § 16(d), (e), 67 Stat. 517.)

REFERENCES IN TEXT

Sections 257, 258, referred to in section (a)(9), were repealed by Pub. L. 91-654, § 3, Jan. 5, 1971, 84 Stat. 1945.

Paragraph 1631 of section 1201 of this title, referred to in subsec. (a)(11), was repealed by Pub. L. 87-456, title I, § 101(a), May 24, 1962, 76 Stat. 72. See Revised Tariff Schedules of United States, section 1202 of this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 498, 42 Stat. 964. That section was superseded by section 498 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provision for an entry, separate from that of other merchandise, of wearing apparel, personal baggage, and tools and implements of a mechanical trade, was made by R.S. § 2799, which also prescribed the contents of such entry, and of the accompanying oath. R.S. § 2800 provided for a bond when the person making entry was not the owner. R.S. § 2801 provided for a landing permit, and for an examination of baggage when deemed proper by the collector and naval officer, and for entry of articles not exempt from duty. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1953—Subsec. (a)(1). Act Aug. 8, 1953, § 16(d), increased the valuation figure with respect to informal entries from $100 to $250, and inserted the provisions with respect to possible variation for different classes or kinds of merchandise and different classes of transactions.

Subsec. (a)(11). Act Aug. 8, 1953, § 16(e), substituted "paragraph 1631 of section 1201 of this title" for "sections 472 to 574 of this title".

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to the section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

CROSS REFERENCES

Baggage in transit to foreign country, see section 1553 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1484 of this title.

§ 1499. Examination of merchandise

Imported merchandise, required by law or regulations made in pursuance thereof to be inspected, examined, or appraised, shall not be delivered from customs custody, except under such bond or other security as may be prescribed by the Secretary of the Treasury to assure compliance with all applicable laws, regulations, and instructions which the Secretary of the Treasury or the Customs Service is authorized to enforce until it has been inspected, examined, or appraised and is reported by the appropriate customs officer to have been truly and correctly invoiced and found to comply with the requirements of the laws of the United States. Such officer shall designate the packages or quantities covered by any invoice or entry which are to be opened and examined for the purpose of appraisement or otherwise and shall order such packages or quantities to be sent to the public stores or other places for such purpose. Not less than one package of every invoice, and not less than one package of every ten packages of merchandise, shall be so designated unless the Secretary of the Treasury, from the character and description of the merchandise, is of the opinion that the examination of a less proportion of packages will amply protect the revenue and by special regulation or instruction, the application of which may be restricted to one or more individual ports or to one or more importations or one or more classes of merchandise, permit a less number of packages to be examined. All such special regulations or instructions shall be published in the weekly Treasury Decisions within fifteen days after issuance and before the liquidation of any entries affected thereby. Such officer may require such additional packages or quantities as he may deem necessary. If any package contains any article not specified in the invoice and, in the opinion of the appropriate customs officer, such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be subject to seizure, but if no such fraudulent intent is apparent, then the value of said article shall be added to the entry and the duties thereon paid accordingly. If a deficiency is found in quantity, weight, or measure in the examination of any package, report thereof shall be made to the appropriate customs officer, who shall make allowance therefor in the liquidation of duties.

No appraisement made after the effective date of the Customs Administrative Act of 1938 shall be held invalid on the ground that the required number of packages or the required quantity of the merchandise was not designated for examination or, if designated, was not actually examined, unless the party claiming such invalidity shall establish that merchandise in the packages or quantities not designated for examination, or not actually examined, was different from that actually examined and that the difference was such as to establish the incorrectness of the appraisement and then only as to the merchandise for which the appraisement is shown to be incorrect.

(June 17, 1930, ch. 497, title IV, § 499, 46 Stat. 728; June 25, 1938, ch. 679, §§ 15, 16(a), 52 Stat. 1084; June 2, 1970, Pub. L. 91-271, title III, § 301(k), 84 Stat. 289.)

REFERENCES IN TEXT

The "effective date of the Customs Administrative Act of 1938", referred to in the text, was the thirtieth day after date of enactment, except sections 31 and 34 which were effective on date of enactment. See note set out under section 1401 of this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 499, 42 Stat. 965. That section was superseded by section 499 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

A prior provision prohibiting delivery of merchandise liable to be inspected or appraised, until it had been inspected or appraised, or until the packages sent to be inspected or appraised, should be found correctly invoiced, and be so reported, with a further provision as to the taking of bonds conditioned for delivery of the merchandise, and the forfeiture of such bonds, was contained in R.S. § 2899.

Provisions substantially similar to those of this section concerning the number of packages to be examined (not including the provision for designation of a less number by the Secretary of the Treasury) and concerning packages found to contain articles not specified in the invoice, with a further provision for remission of the forfeiture, were contained in R.S. § 2901.

A prior provision, concerning deficiencies somewhat similar to that in this section, was contained in R.S. § 2921.

A special provision concerning the number of packages to be examined and appraised at the port of New York was contained in R.S. § 2939.

A provision concerning returns by weighers, gaugers, and measurers, was contained in R.S. § 2890.

All of the foregoing sections of the Revised Statutes were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer or such officer for references to the collector or the appraiser wherever appearing therein, and struck out references to the duties of the appraiser.

1938—Act June 25, 1938 amended the section generally and among other changes added provision relating to the invalidity of appraisements made after the effective date of the Customs Administrative Act of 1938.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 1198.

§ 1500. Appraisement, classification, and liquidation procedure

The appropriate customs officer shall, under rules and regulations prescribed by the Secretary—

(a) appraise merchandise in the unit of quantity in which the merchandise is usually bought and sold by ascertaining or estimating the value thereof of by all reasonable ways and means in his power, any statement of cost or costs of production in any invoice, affidavit, declaration, or other document to the contrary notwithstanding;

(b) ascertain the classification and rate of duty applicable to such merchandise;

(c) fix the amount of duty to be paid on such merchandise and determine any increased or additional duties due or any excess of duties deposited;

(d) liquidate the entry of such merchandise; and

(e) give notice of such liquidation to the importer, his consignee, or agent in such form and manner as the Secretary shall prescribe in such regulations.

(June 17, 1930, ch. 497, title IV, § 500, 46 Stat. 729; Aug. 2, 1956, ch. 887, § 4(b), 70 Stat. 948; June 2, 1970, Pub. L. 91-271, title II, § 204(a), 84 Stat. 283.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 500, 42 Stat. 965. That section was superseded by section 500 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions dealing with the subject-matter of subdivision (a) of this section were contained in Act Oct. 3, 1913, ch. 16, § III, K, 38 Stat. 185, re-enacting without change the provisions of the Customs Administrative Act of June 10, 1890, ch. 407, § 10, 26 Stat. 136, as reenacted by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 97. A provision somewhat similar to subdivision (a)(5) of this section was contained in section III, M, of the Act of 1913, the provisions of which were substituted for provisions of the same nature contained in section 13 of the Customs Administrative Act of June 10, 1890, as amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 99. Said section III of the Act of 1913 was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

R.S. §§ 2609, 2610, relative to merchant appraisers, were superseded by the provisions relating to appraisers and appraisements in the Customs Administrative Act of June 10, 1890, ch. 407, 26 Stat. 131, and later acts, and were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

R.S. § 2902, prescribing the mode of appraisal of merchandise, was repealed by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141.

R.S. § 2911, requiring appraisers to adopt the value of the best article in a package containing articles wholly or in part of wool or cotton of similar kind but different quality, charged at an average price; and R.S. § 2912, relative to appraisal of wool of different qualities when imported in the same bale, bag, or package, and of bales of different qualities when embraced in the same invoice, were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

R.S. § 2945 imposed a penalty on any merchant chosen by the collector to make any appraisement required under any act respecting imports and tonnage, who should, after due notice, decline or neglect to assess at such appraisement. This section was repealed by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, and was again repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

R.S. § 2946, relative to the ascertainment of value at ports where there were no appraisers, was also repealed by section 642 of the Act of Sept. 21, 1922, ch. 356.

A prior provision similar to subdivision (b) was contained in Act Oct. 3, 1913, ch. 16, § III, M. 38 Stat. 186, the provisions of which were substitutes for those of the Customs Administrative Act of June 10, 1890, ch. 407, § 13, 26 Stat. 136, as amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 99. Section III, M, was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

An earlier provision on the subject was contained in R.S. § 2929, which was repealed by Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141.

Somewhat similar to subdivision (d), R.S. § 2943 provided that one of the assistant appraisers at the port of New York should be detailed for the supervision of examination of merchandise damaged on the voyage of importation, and to make examinations and appraisals and to report, etc. It was repealed, with R.S. § 2927, which provided for appraisal of such goods, and other sections, by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, re-enacted and designated as section 28 by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 104.

AMENDMENTS

1970—Pub. L. 91-271 struck out "(a)" preceding first sentence and, in such provisions, as so redesignated, substituted provisions which set forth the customs functions to be performed by the appropriate customs officer for provisions which set forth the customs functions to be performed by the appraiser, and struck out subsecs. (b) to (f), which allocated specific customs functions to appraisers, assistant and deputy appraisers, and examiners, and authorized the designation of acting appraisers where necessary.

1956—Subsec. (f). Act Aug. 2, 1956, eliminated "take the oath," preceding "perform all the duties" in the second sentence, and eliminated comma following "perform all duties".

EFFECTIVE DATE OF 1970 AMENDMENT

Section 203 of Pub. L. 91-271 provided that: "Titles II and III of this Act [see Short Title note set out below] shall take effect with respect to articles entered, or withdrawn, from warehouse for consumption, on or after October 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, the appraisement of which has not become final before October 1, 1970, and for which an appeal for reappraisement has not been timely filed with the Bureau of Customs [now the United States Customs Service] before October 1, 1970, or with respect to which a protest has not been disallowed in whole or in part before October 1, 1970."

SHORT TITLE

Section 201 of Pub. L. 91-271 provided that: "Titles II and III of this Act [which amended this section and sections 2, 6, 31, 32, 58, 66, 81c, 151, 161, 167 to 169, 261, 267, 282, 293, 341, 528, 1305, 1311, 1315, 1401, 1402, 1432, 1434, 1435b, 1438, 1441, 1443 to 1451, 1452 to 1455, 1457, 1467, 1482, 1484, 1485, 1490 to 1493, 1496, 1499, 1501 to 1503, 1505, 1506, 1509 to 1516, 1520, 1521, 1523, 1555, 1557, 1560, 1562 to 1565, 1584, 1586, 1595, 1602 to 1610, 1612 to 1614, 1617, 1618, 1623, 1641, and 1648 of this title, repealed sections 5, 5a, 7 to 11, 36, 37, 51, 63, and 1488 of this title, and enacted provisions set out as notes under this section] may be cited as 'The Customs Administrative Act of 1970'."

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Conversion of foreign currency into currency of the United States for the purpose of the assessment and collection of duties, see section 372 of Title 31, Money and Finance.

Duties respecting dumping investigations and special dumping duties, see sections 160 and 168 of this title.

Estimating duties upon the value at the date of shipment, see section 240 of this title.

"Merchandise" defined, see section 1401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1501, 1503 of this title.

§ 1501. Voluntary reliquidations by appropriate customs officer; notice

A liquidation made in accordance with section 1500 of this title or any reliquidation thereof made in accordance with this section may be reliquidated in any respect by the appropriate customs officer on his own initiative, notwithstanding the filing of a protest, within ninety days from the date on which notice of the original liquidation is given to the importer, his consignee or agent. Notice of such reliquidation shall be given in the manner prescribed with respect to original liquidations under section 1500(e) of this title.

(June 17, 1930, ch. 497, title IV, § 501, 46 Stat. 730; June 25, 1938, ch. 679, § 16(b), 52 Stat. 1084; June 25, 1948, ch. 646, §§ 25, 39, 62 Stat. 990, 992; Aug. 8, 1953, ch. 397, § 18(c), 67 Stat. 517; June 2, 1970, Pub. L. 91-271, title II, § 205, 84 Stat. 283.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 501, 42 Stat. 966. That section was superseded by section 501 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions for appeals to reappraisement and for a further appeal to be assigned to a board of general appraisers, with further provisions as to the fee to be paid, the proceedings on appeal, and the conclusiveness of decisions, were contained in Act Oct. 3, 1913, ch. 16, § III, M, 38 Stat. 186, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

The provisions of section III, M, of the Act of 1913, were substituted for provisions of the same nature made by the Customs Administrative Act of June 10, 1890, ch. 407, § 13, 26 Stat. 136, amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 99.

Provisions similar to some extent to those of section 13 of the Customs Administrative Act of 1890 were made by R.S. §§ 2929, 2930, repealed by section 29 of that Act.

R.S. § 2950 provided that the certificate of the appraiser should be deemed to be the appraisement. It was superseded by the provisions relating to appraisers made by the Customs Administrative Act of June 10, 1890, ch. 407, § 13, amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, and the Underwood Tariff Act of Oct. 3, 1913, ch. 16, § III, M, 38 Stat. 186, and was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 struck out "(a)" preceding first sentence and, in such provisions, as so redesignated, substituted provisions authorizing a reliquidation in any respect by the appropriate customs officer on his own initiative for a liquidation made in accordance with section 1500 of this title or any relinquidation thereof made in accordance with this section for provisions setting forth the procedure for an appeal for a reappraisement by the collector or the consignee.

1953—Subsec. (a). Act. Aug. 8, 1953, inserted clause (3) and "including all determinations entering into the same," in the second sentence, and deleted the third sentence which provided that "No such appeal filed by the consignee or his agent shall be deemed valid, unless he has complied with all the provisions of this chapter relating to the entry and appraisement of such merchandise".

1948—Subsec. (a). Act June 25, 1948, struck out the fourth sentence and inserted in lieu thereof the present fourth sentence, and repealed the fifth, sixth, seventh, and eighth sentences dealing with review by Customs Court of Reappraisements as this material is now covered by section 1582 of Title 28, Judiciary and Judicial Procedure.

Subsecs. (b) and (c), relating to practice and procedure in Customs Court, were repealed by Act June 25, 1948, and are now covered by sections 2631 to 2637 of Title 28, Judiciary and Judicial Procedure.

1938—Act June 25, 1938, designated paragraphs as subsecs. (a) and (b), and added subsec. (c).

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to the section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment of subsec. (a) and the repeal of subsecs. (b) and (c) of this section should be effective as of Sept. 1, 1948.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment of section by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specially provided in act June 25, 1938, see section 37 of act June 25, 1938, set out as a note under section 1401 of this title.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Court of Customs and Patent Appeals procedure, see section 2601 et seq. of Title 28, Judiciary and Judicial Procedure; Rules of Court, Appendix, Title 35, Patents.

Customs Court procedure, see section 2631 et seq. of Title 28, Judiciary and Judicial Procedure; Rules of Court, 28 U.S.C. Appendix.

Jurisdiction—

Court of Customs and Patent Appeals, see section 1541 et seq. of Title 28, Judiciary and Judicial Procedure.

Customs Court, see section 1581 et seq. of Title 28.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1503, 1514 of this title.

§ 1502. Regulations for appraisement and classification

(a) Powers of Secretary of the Treasury

The Secretary of the Treasury shall establish and promulgate such rules and regulations not inconsistent with the law, and may disseminate such information as may be necessary to secure a just, impartial, and uniform appraisement of imported merchandise and the classification and assessment of duties thereon at the various ports of entry, and may direct any customs officer to go from one port of entry to another for the purpose of appraising or assisting in appraising merchandise imported at such port.

(b) Reversal of Secretary's rulings

No ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be reversed or modified adversely to the United States, by the same or a succeeding Secretary, except in concurrence with an opinion of the Attorney General recommending the same, or a final decision of the United States Customs Court.

(c) Duties of customs officers

It shall be the duty of all officers of the customs to execute and carry into effect all instructions of the Secretary of the Treasury relative to the execution of the revenue laws; and in case any difficulty arises as to the true construction or meaning of any part of the revenue laws, the decision of the Secretary shall be binding upon all officers of the customs.

(June 17, 1930, ch. 497, title IV, § 502, 46 Stat. 731; June 2, 1970, Pub. L. 91-271, title III, § 301(*l*), 84 Stat. 289.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 502, 42 Stat. 967. That section was superseded by section 502 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

A prior provision, authorizing the Secretary of the Treasury to direct appraisers for any collection district, to attend in any other collection district, was contained in R.S. § 2947. Prior provisions requiring the Secretary to establish rules and regulations to secure a just, faithful, and impartial appraisal, just and proper entries, and to report such rules and regulations to the next session of Congress, were contained in R.S. § 2949. Both of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Provisions similar to those of subsec. (b) of this section, except that reversal or modification was permitted in concurrence with a judicial decision of a circuit or district court, instead of a final decision of the Board of General Appraisers, were contained in Act March 3, 1875, ch. 136, § 2, 18 Stat. 469, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

Provisions almost identical with those of subsec. (c) of this section were contained in R.S. § 2652, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-271 substituted "customs officer" for "appraiser, deputy appraiser, assistant appraiser, or examiner of merchandise".

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Transfer of Functions

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

Cross References

Removal of—
  Custom house, in case of insurrection, to a secure place in the district, see section 219 of Title 50, War and National Defense.
  Revenue officers from port during epidemic, see section 112 of Title 42, The Public Health and Welfare.

State quarantine regulations and the discharge of cargoes of vessels in quarantine, see sections 88 to 91 and 97 of Title 42.

Superintendence of collection of import duties, see section 3 of this title.

§ 1503. Dutiable value

Except as provided in section 1520(c) of this title (relating to reliquidations on the basis of authorized corrections of errors) or section 1562 of this title (relating to withdrawl from manipulating warehouses), the basis for the assessment of duties on imported merchandise subject to ad valorem rates of duty or rates based upon or regulated in any manner by the value of the merchandise, shall be the appraised value determined upon liquidation, in accordance with section 1500 of this title or any adjustment thereof made pursuant to section 1501 of this title. *Provided, however,* That if reliquidation is required pursuant to a final judgment or order of the United States Customs Court which includes a reappraisement of imported merchandise, the basis for such assessment shall be the final appraised value determined by such court.

(June 17, 1930, ch. 497, title IV, § 503, 46 Stat. 731; Aug. 8, 1953, ch. 397, § 18(d), 67 Stat. 518; June 2, 1970, Pub. L. 91-271, title II, § 206, 84 Stat. 284.)

Prior Provisions

Provisions somewhat similar to those of subsecs. (a) and (b) were contained in Act Sept. 21, 1922, ch. 356, title IV, § 503, 42 Stat. 967. Provisions similar to former subsec. (b) relating to entries pending reappraisement were contained in Act Sept. 21, 1922, ch. 356, Title IV, § 489, 42 Stat. 962. Both of the Acts of 1922 were in part superseded by the Tariff Act of 1930, comprising this section, and both were repealed by section 651(a)(1) of the 1930 Act.

A provision for assessment of duty on merchandise of different values when invoiced at an average price, was contained in R.S. § 2910, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Amendments

1970—Pub. L. 91-271 substituted provisions that, except as provided in section 1520(c) or 1562 of this title, the basis for the assessment of duties on imported merchandise be the appraised value determined upon liquidation, in accordance with section 1500 of this title or any adjustment thereof pursuant to section 1501 of this title, and be the final appraised value where reliquidation is required pursuant to a final judgment or order of the United States Customs Court, for provisions that, except as provided in section 1562 of this title, the basis for the assessment of duties on imported merchandise subject to ad valorem rates of duty be the final appraised value, and provisions that for the purpose of determining the rate of duty assessed upon any merchandise when the rate is based upon or regulated in any manner by the value of the merchandise, the final appraised value, except as provided in section 1562 of this title, be taken as the value of merchandise.

1953—Subsec. (a). Act Aug. 8, 1953, struck out "and in subdivision (b) of this section" which followed the reference to section 1562 of this title; "the entered value or" which followed "shall be"; and "whichever is higher" at the end of such subsection.

Subsec. (b). Act Aug. 8, 1953, redesignated former subsec. (c) as (b). Former subsec. (b), which related to entires pending reappraisement, was repealed by act Aug. 8, 1953.

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Effective Date of 1953 Amendment; Saving Clause

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

§ 1503a. Repealed. Aug. 8, 1953, ch. 397, § 18(e), 67 Stat. 518

Section, act July 12, 1932, ch. 473, 47 Stat. 657, related to the construction of former subsection (b) of section 1503 of this title, which was omitted by section 18(d) of act Aug. 8, 1953.

Effective Date of Repeal; Saving Clause

Repeal of section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

§ 1504. Repealed. Pub. L. 87-456, title III, § 301(a), May 24, 1962, 76 Stat. 75

Section, act June 17, 1930, ch. 497, title IV, § 504, 46 Stat. 732, related to duties on coverings and containers. See Revised Tariff Schedules set out in section 1202 of this title.

Effective Date of Repeal

Repeal of section effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 31, 1963, see section 501(a) of Pub. L. 87-456, set out as an Effective Date of Tariff Classification Act of 1962 note preceding section 1202 of this title.

§ 1505. Payment of duties

(a) Unless merchandise is entered for warehouse or transportation, or under bond, the consignee shall deposit with the appropriate customs officer at the time of making entry the amount of duties estimated by such customs officer to be payable thereon.

(b) The appropriate customs officer shall collect any increased or additional duties due or refund any excess of duties deposited as determined on a liquidation or reliquidation.

(June 17, 1930, ch. 497, title IV, § 505, 46 Stat. 732; June 2, 1970, Pub. L. 91-271, title II, § 204(c), 84 Stat. 283.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 504, 42 Stat. 967. That section was superseded by section 505 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

A prior provision that the collector or person acting as such should ascertain, fix, and liquidate the rate and amount of duties, and the dutiable costs and charges, was contained in Act Oct. 3, 1913, ch. 16, § III, M. 38 Stat. 186, the provisions of which were substituted for provisions of the same nature contained in the Customs Administrative Act of June 10, 1890, ch. 407, § 13, 26 Stat. 136, as amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 99.

Amendments

1970—Pub. L. 91-271 reorganized existing provisions into lettered subsecs. (a) and (b), and struck out provisions authorizing receipt by a collector of various reports and the performance of certain functions in connection with the liquidation of an entry.

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1506. Allowance for abandonment and damage

Allowance shall be made in the estimation and liquidation of duties under regulations prescribed by the Secretary of the Treasury in the following cases:

(1) Abandonment within 30 days

Where the importer abandons to the United States, within thirty days after entry in the case of merchandise not sent to the appraiser's stores for examination, or within thirty days after the release of the examination packages or quantities of merchandise in the case of merchandise sent to the appraiser's stores for examination, any imported merchandise representing 5 per centum or more of the total value of all the merchandise of the same class or kind entered in the invoice in which the item appears, and delivers, within the applicable thirty-day period, the portion so abandoned to such place as the appropriate customs officer directs unless such customs officer is satisfied that the merchandise is so far destroyed as to be nondeliverable;

(2) Perishable merchandise, condemned

Where fruit or other perishable merchandise has been condemned at the port of entry, within ten days after landing, by the health officers or other legally constituted authorities, and the consignee, within five days after such condemnation, files with the appropriate customs officer written notice thereof, an invoiced description and the location thereof, and the name of the vessel or vehicle in which imported.

(June 17, 1930, ch. 497, title IV, § 506, 46 Stat. 732; June 2, 1970, Pub. L. 91-271, title III, § 301(m), 84 Stat. 289.)

Prior Provisions

Provisions similar to those of this section were contained in Act Oct. 3, 1913, ch. 16, § III, X, 38 Stat. 190, re-enacting the provisions of the Customs Administrative Act of June 10, 1890, ch. 407, § 23, 26 Stat. 140, as amended by Act May 17, 1898, ch. 341, 30 Stat. 417, and further amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 103. Section III of the Act of 1913 was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 505, 42 Stat. 967, and repealed by section 643 thereof. Section 505 of the 1922 Act was superseded by section 506 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

R.S. § 2927 provided for the appraisal of articles damaged during the voyage, and for the allowances for such damages in estimating duties. It was repealed by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141.

R.S. § 2928, providing for appraisement of merchandise taken from any wreck and of damages sustained during the course of the voyage, was superseded by the provisions of the Customs Administrative Act of June 10, 1890, ch. 407, § 23, 26 Stat. 140, and was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Amendments

1970—Par. (1). Pub. L. 91-271, § 301(m)(1), substituted references to the appropriate customs officer or such customs officer for references to the collector wherever appearing therein.

Par. (2). Pub. L. 91-271, § 301(m)(2), substituted reference to the appropriate customs officer for reference to the collector.

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1507. Tare and draft

The Secretary of the Treasury is authorized to prescribe and issue regulations for the ascertainment of tare upon imported merchandise, including the establishment of reasonable and just schedule tares therefor, but in no case shall there be any allowance for draft or for impurities, other than excessive moisture and impurities not usually found in or upon such or similar merchandise.

(June 17, 1930, ch. 497, title IV, § 507, 46 Stat. 732.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 506, 42 Stat. 968. That section was superseded by section 507 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

A prior provision relative to the allowance of tare, prohibiting any allowance for draught, was contained in R.S. § 2898, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

§ 1508. Repealed. Pub. L. 87-456, title III, § 301(a), May 24, 1962, 76 Stat. 75

Section, acts June 17, 1930, ch. 497, title IV, § 508, 46 Stat. 723; Aug. 8, 1953, ch. 397, § 19, 67 Stat. 518, related to commingling of goods. See Revised Tariff Schedules set out in section 1202 of this title.

Effective Date of Repeal

Repeal of section effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 31, 1963, see section 501(a) of

Pub. L. 87-456, set out as an Effective Date of Tariff Classification Act of 1962 note preceding section 1202 of this title.

§ 1509. Examination of importer and others

Appropriate customs officers may cite to appear before them or any of them and to examine upon oath, which said officers or any of them are authorized to administer, any owner, importer, consignee, agent, or other person upon any matter or thing which they, or any of them, may deem material respecting any imported merchandise than under consideration or previously imported within one year, in ascertaining the classification or the value thereof or the rate or amount of duty; and they, or any of them, may require the production of any letters, accounts, contracts, invoices, or other documents relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed and preserved, under such rules as the United States Customs Court may prescribe, and such evidence may be given consideration in subsequent proceedings relating to such merchandise.

(June 17, 1930, ch. 497, title IV, § 509, 46 Stat. 733; June 25, 1948, ch. 646, § 26, 62 Stat. 990; June 2, 1970, Pub. L. 91-271, title III, § 301(n), 84 Stat. 289.)

PRIOR PROVISIONS

Provisions substantially the same, in most respects, as those of this section, were contained in Act Oct. 3, 1913, ch. 16, § III, O, 38 Stat. 188, which substantially re-enacted the provisions of Customs Administrative Act of June 10, 1890, ch. 407, § 16, 26 Stat. 138, as renumbered and re-enacted without other change by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 100. Section III of the Act of 1913 was superseded and more closely assimilated to this section by Act Sept. 21, 1922, ch. 356, title IV, § 508, 42 Stat. 968, and repealed by section 643 thereof. Section 508 of the 1922 Act was superseded by section 509 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions similar to those of this section and section 1510 of this title were made by R.S. §§ 2922-2924, repealed by section 29 of the Customs Administrative Act of 1890, 26 Stat. 141.

AMENDMENTS

1970—Pub. L. 91-271 substituted "Appropriate customs officer" for "Collectors and appraisers".

1948—Act June 25, 1948, deleted "and judges and divisions of the United States Customs Court" following "Collectors and appraisers" in the first sentence.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment of this section should be effective Sept. 1, 1948.

CROSS REFERENCES

Customs Court procedure, witnesses and inspection of documents, see section 2634 of Title 28, Judiciary and Judicial Procedure.

§ 1510. Penalties for refusal to give testimony

If any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers when so required by a judge of the United States Customs Court, or an appropriate customs officer, he shall be liable to a penalty of not less than $20 nor more than $500; and if such person be the owner, importer, or consignee, the appraisement last made of such merchandise, whether made by an appropriate customs officer, or a judge of the United States Customs Court, shall be final and conclusive against such person; and any person who shall willfully and corruptly swear falsely on an examination before any judge of the United States Customs Court, or appropriate customs officer, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited or the value thereof may be recovered from him.

(June 17, 1930, ch. 497, title IV, § 510, 46 Stat. 733; June 2, 1970, Pub. L. 91-271, title III, § 301(*o*), 84 Stat. 290.)

PRIOR PROVISIONS

Provisions substantially the same as those of this section were contained in Act Oct. 3, 1913, ch. 16, § III, P, 38 Stat. 188, which substantially re-enacted the provisions of the Customs Administrative Act of June 10, 1890, ch. 407, § 17, 26 Stat. 139, as renumbered and re-enacted without other change by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 23, 36 Stat. 100. Section III, P, of the Act of 1913, was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 509, 42 Stat. 968, and repealed by section 643 thereof. Section 509 of the 1922 Act was superseded by section 510 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions similar to those of this section were made by R.S. §§ 2923, 2924, repealed by section 29 of the Customs Administrative Act of June 10, 1890, 26 Stat. 141.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector or the appraiser wherever appearing therein, and struck out references to divisions of the United States Customs Court.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1511. Inspection of importer's books

If any person importing merchandise into the United States or dealing in imported merchandise fails, at the request of the Secretary of the Treasury, or an appropriate customs officer, or the United States Customs Court, or a judge of such court, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him, (1) shall prohibit the importation of merchandise into the United States by or for the account of such person, and (2) shall instruct customs officers to withhold delivery of merchandise imported by or for the account of such person. If such failure continues for a period of one year from the date of such instructions the appropriate customs officer shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forefeited merchandise.

(June 17, 1930, ch. 497, title IV, § 511, 46 Stat. 733; June 2, 1970, Pub. L. 91-271, title III, § 301(p), 84, Stat. 290.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act May 27, 1921, ch. 14, § 405, 42 Stat. 18, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 511, 42 Stat. 969. Section 511 of the 1922 Act was superseded by section 511 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Earlier provisions for assessment of additional duty for failure or refusal of persons importing merchandise or dealing in imported merchandise to submit their books, records, etc., to inspection, were contained in Act Oct. 3, 1913, ch. 16, § III, V, 38 Stat. 190, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted "appropriate customs officer" for "appraiser, or person acting as appraiser, or a collector", "customs officers" for "the collectors", and "appropriate customs officer" for "collector".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1512. Deposit of duty receipts

All moneys paid to any customs officer for unascertained duties or for duties paid under protest against the rate or amount of duties charged shall be deposited to the credit of the Treasurer of the United States and shall not be held by the customs officers to await any ascertainment of duties or the result of any litigation in relation to the rate or amount of duties legally chargeable and collectible in any case where money is so paid.

(June 17, 1930, ch. 497, title IV, § 512, 46 Stat. 734; June 2, 1970, Pub. L. 91-271, title III, § 301(q), 84 Stat. 290.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. § 3010, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 512, 42 Stat. 969, and was repealed by section 642 thereof. Section 512 of the 1922 Act was superseded by section 512 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to customs officers for references to collectors wherever appearing therein.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1513. Customs officer's immunity

No customs officer shall be in any way liable to any owner, importer, consignee, or agent or any other person for or on account of any rulings or decisions as to the appraisement or the classification of any imported merchandise or the duties charged thereon, or the collection of any dues, charges, or duties on or on account of said merchandise, or any other matter or thing as to which said owner, importer, consignee, or agent might under this chapter be entitled to protest or appeal from the decision of such officer.

(June 17, 1930, ch. 497, title IV, § 513, 46 Stat. 734; June 2, 1970, Pub. L. 91-271, title III, § 301(r), 84 Stat. 290.)

PRIOR PROVISIONS

Provisions substantially the same as those of this section, except that they did not specifically refer to rulings or decisions as to appraisement, were contained in Act Oct. 3, 1913, ch. 16, § III, Z, 38 Stat. 191, which re-enacted without change the provisions of the Customs Administrative Act of June 10, 1890, ch. 407, § 25, 26 Stat. 141, as re-enacted by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 103. Section III, Z, of the Act of 1913 was superseded and more closely assimilated to this section by Act Sept. 21, 1922, ch. 356, title IV, § 513, 42 Stat. 969, and repealed by section 643 thereof. Section 513 of the 1922 Act was superseded by section 513 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted "customs officer" for "collector or other customs officer" and "such officer" for "such collector or other officer".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1514. Protest against decision of appropriate customs officer

(a) Finality of decisions; return of papers

Except as provided in section 1501 of this title (relating to voluntary reliquidations), section 1516 of this title (relating to petitions by American manufacturers, producers, and wholesalers), section 1520 of this title (relating to refunds and errors), and section 1521 of this title (relating to reliquidations on account of fraud), decisions of the appropriate customs officer, including the legality of all orders and findings entering into the same, as to—

(1) the appraised value of merchandise;

(2) the classification and rate and amount of duties chargeable;

(3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury;

(4) the exclusion of merchandise from entry or delivery under any provision of the customs laws;

(5) the liquidation or reliquidation of an entry, or any modification thereof;

(6) the refusal to pay a claim for drawback; and

(7) the refusal to reliquidate an entry under section 1520(c) of this title,

shall be final and conclusive upon all persons (including the United States and any officer thereof) unless a protest is filed in accordance with this section, or unless a civil action contesting the denial of a protest, in whole or in part, is commenced in the United States Customs Court in accordance with section 2632 of title 28 within the time prescribed by section 2631 of that title. When a judgment or order of the United States Customs Court has become final, the papers transmitted shall be returned, together with a copy of the judgment or order to the appropriate customs officer, who shall take action accordingly.

(b) Form, number, and amendment of protest; filing of protest

(1) A protest of a decision under subsection (a) of this section shall be filed in writing with the appropriate customs officer designated in regulations prescribed by the Secretary, setting forth distinctly and specifically each decision described in subsection (a) of this section as to which protest is made; each category of merchandise affected by each such decision as to which protest is made; and the nature of each objection and reasons therefor. Only one protest may be filed for each entry of merchandise, except that where the entry covers merchandise of different categories, a separate protest may be filed for each category. In addition, separate protests filed by different authorized persons with respect to any one category of merchandise that is the subject of a protest are deemed to be part of a single protest. A protest may be amended, under regulations prescribed by the Secretary, to set forth objections as to a decision or decisions described in subsection (a) of this section which were not the subject of the original protest, in the form and manner prescribed for a protest, any time prior to the expiration of the time in which such protest could have been filed under this section. New grounds in support of objections raised by a valid protest or amendment thereto may be presented for consideration in connection with the review of such protest pursuant to section 1515 of this title at any time prior to the disposition of the protest in accordance with that section. Except as otherwise provided in section 1557(b) of this title, protests may be filed by the importer, consignee, or any authorized agent of the person paying any charge or exaction, or filing any claim for drawback, or seeking entry or delivery, with respect to merchandise which is the subject of a decision in subsection (a) of this section.

(2) A protest of a decision, order, or finding described in subsection (a) of this section shall be filed with such customs officer within ninety days after but not before—

(A) notice of liquidation or reliquidation, or

(B) in circumstances where subparagraph (A) is inapplicable, the date of the decision as to which protest is made.

(c) Limitation on protest of reliquidation

The reliquidation of an entry shall not open such entry so that a protest may be filed against the decision of the customs officer upon any question not involved in such reliquidation.

(June 17, 1930, ch. 497, title IV, § 514, 46 Stat. 734; June 2, 1970, Pub. L. 91-271, title II, § 207, 84 Stat. 284.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (a)(4), are classified generally to this title.

CODIFICATION

Section was formerly classified to former section 579 of this title subsequent to its classification to section 784 of title 28 prior to the general revision and enactment of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 464, § 1, 62 Stat. 869.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 514, 42 Stat. 969. That section was superseded by section 514 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions that the decision of the collector as to duties, including dutiable costs and charges, and as to all fees and exactions, should be final and conclusive unless a protest was filed within 30 days after ascertainment and liquidation of duties, or within 15 days after payment of fees, charges and exactions, with further provisions as to fees, transmission of the papers to the Board of General Appraisers, etc., were contained in Act Oct. 3, 1913, ch. 16, § III, N, 38 Stat. 187, the provisions of which were substituted for provisions of a similar nature in the Customs Administrative Act of June 10, 1890, ch. 407, § 14, 26 Stat. 137, as amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 100. Section III, N, of the Act of 1913, was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

Provisions relating to decisions of the collector, and appeals therefrom to the Secretary of the Treasury were contained in R.S. §§ 2931, 2932, repealed by section 29 of the Customs Administrative Act, 26 Stat. 141.

AMENDMENTS

1970—Pub. L. 91-271 designated existing provisions as subsec. (a), and, as so designated, expanded references to sections excepted from the application of this section, substituted decisions of the appropriate customs officer for all decisions of the collector as deemed to be final and conclusive, reorganized the categories of decisions and findings subject to such finality and conclusiveness, and revised the procedures for the filing of protests, and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1402, 1515, 1557, 2013 of this title; title 28 sections 1582, 2632.

§ 1515. Review of protests; administrative review and modification of decisions; request for accelerated disposition of protest

Unless a request for an accelerated disposition of a protest is filed in accordance with subsection (b) of this section the appropriate customs officer, within two years from the date a protest was filed in accordance with section 1514 of this title, shall review the protest and shall allow or deny such protest in whole or in part. Thereafter, any duties, charge, or exaction found to have been assessed or collected in excess shall be remitted or refunded and any drawback found due shall be paid. Upon the request of the protesting party, filed within the time allowed for the filing of a protest under section 1514 of this title, a protest may be subject to further review by another appropriate customs officer, under the circumstances and in the form and manner that may be prescribed by the Secretary in regulations, but subject to the two-year limitation prescribed in the first sentence of this subsection. Notice of the denial of any protest shall be mailed in the form and manner prescribed by the Secretary.

(b) A request for accelerated disposition of a protest filed in accordance with section 1514 of this title may be mailed by certified or registered mail to the appropriate customs officer any time after ninety days following the filing of such protest. For purposes of section 1582 of title 28, a protest which has not been allowed or denied in whole or in part within thirty days following the date of mailing by certified or registered mail of a request for accelerated disposition shall be deemed denied on the thirtieth day following mailing of such request.

(June 17, 1930, ch. 497, title IV, § 515, 46 Stat. 734; June 2, 1970, Pub. L. 91-271, title II, § 208, 84 Stat. 285.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 515, 42 Stat. 970. That section was superseded by section 515 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions for transmission of the invoice, papers, and exhibits to the board of general appraisers in case of protest, and provisions concerning the conclusiveness of its determination, were contained in Act Oct. 3, 1913, ch. 16, § III, N, 38 Stat. 187, the provisions of which were substituted for provisions of a similar nature in Customs Administrative Act June 10, 1890, ch. 407, § 14, 26 Stat. 137, as amended by Payne-Aldrich Tariff Act Aug. 5, 1909, ch. 6, § 28, 36 Stat. 100.

AMENDMENTS

1970—Pub. L. 91-271 designating existing provisions as subsec. (a), and, as so designated, substituted provisions authorizing review by the appropriate customs officer for provisions authorizing review by the collector and revised such review procedures, and added subsec. (b).

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

REVIEW OF PROTESTS IN IMPORT SURCHARGE CASES

Pub. L. 93-618, title VI, § 611, Jan. 3, 1975, 88 Stat. 2075, provided that: "Notwithstanding the provisions of section 515(a) of the Tariff Act of 1930 (19 U.S.C. 1515(a)), in the case of any protest under section 514 of such Act [section 1514 of this title] involving the imposition of an import surcharge in the form of a supplemental duty pursuant to Presidential Proclamation 4074, dated August 17, 1971 [set out as a note preceding section 1202 of this title], the time for review and allowing or denying the protest shall not expire until five years from the date the protest was filed in accordance with such section 514 [section 1514 of this title]."

CROSS REFERENCES

Court of Customs and Patent Appeals procedure, see section 2601 et seq. of Title 28, Judiciary and Judicial Procedure; Rules of Court, Appendix, Title 35, Patents.

Customs Court procedure, see section 2631 et seq. of Title 28, Judiciary and Judicial Procedure; Rules of Court, 28 U.S.C. Appendix.

Jurisdiction—
  Court of Customs and Patent Appeals, see section 1541 et seq. of Title 28, Judiciary and Judicial Procedure.
  Customs Court, see section 1581 et seq. of Title 28.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1514 of this title; title 28 sections 1582, 2631, 2632.

§ 1516. Petitions by American manufacturers, producers, or wholesalers

(a) Classification, rate of duty, countervailing duty, and antidumping duty furnished upon request; petition; contents

The Secretary shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification, the rate of duty, the additional duty described in section 1303 of this title (hereinafter in this section referred to as "countervailing duties"), if any, and the special duty described in section 161 of this title (hereinafter in this section referred to as "antidumping duties"), if any, imposed upon designated imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the appraised value is too low, that the classification is not correct, that the proper rate of duty is not being assessed, or that countervailing duties or antidumping duties should be assessed, he may file a petition with the Secretary setting forth (1) a description of the merchandise, (2) the appraised value, the classification, or the rate or rates of duty that he believes proper and (3) the reasons for his belief including, in appropriate instances, the reasons for his belief that countervailing duties or antidumping duties should be assessed.

(b) Determination of petition; notification to petitioner; procedures for countervailing duties and antidumping duties

If, after receipt and consideration of a petition filed by an American manufacturer, producer, or wholesaler, the Secretary decides that the appraised value of the merchandise is too low, that the classification of the article or rate of duty assessed thereon is not correct, or that countervailing duties or anti-dumping duties should be assessed, he shall determine the proper appraised value or classification, rate of duty, or countervailing duties, or antidumping duties and shall notify the petitioner of his determination. Except for countervailing duty and anti-dumping duty purposes, all such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin shall be appraised or classified or assessed as to rate of duty in accordance with the Secretary's determination. For countervailing duty purposes, the procedures set forth in section 1303 of this title shall apply. For antidumping duty purposes, the procedures set forth in section 160 of this title shall apply.

(c) Determination of correctness of initial appraised value, classification, rate of duty, or non-assessment of countervailing duties or antidumping duties; contest by petitioner; procedure

If the Secretary decides that the appraised value or classification of the articles or the rate of duty with respect to which a petition was filed pursuant to subsection (a) of this section is correct, or that countervailing duties or antidumping duties should not be assessed, he shall so inform the petitioner. If dissatisfied with the decision of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the decision, notice that he desires to contest the appraised value or classification of, or rate of duty assessed upon or the failure to assess countervailing duties or antidumping duties upon, the merchandise. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his decision as to the proper appraised value or classification or rate of duty or that countervailing duties or antidumping duties should not be assessed and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the decision of the Secretary at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value or classification of, or rate of duty imposed upon or failure to assess countervailing duties or antidumping duties upon, such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate Customs officer at such ports to notify the petitioner by mail immediately when the first of such entries is liquidated.

(d) Contest of Secretary's determination that foreign merchandise is not being sold in United States at less than fair value or that bounty or grant is not being paid

Within 30 days after a determination by the Secretary—

(1) under section 160 of this title, that a class or kind of foreign merchandise is not being, nor likely to be, sold in the United States at less than its fair value, or

(2) under section 1303 of this title that a bounty or grant is not being paid or bestowed,

an American manufacturer, producer, or wholesaler of merchandise of the same class or kind as that described in such determination may file with the Secretary a written notice of a desire to contest such determination. Upon receipt of such notice the Secretary shall cause publication to be made thereof and of such manufacturer's, producer's, or wholesaler's desire to contest the determination. Within 30 days after such publication, such manufacturer, producer, or wholesaler may commence an action in the United States Customs Court contesting such determination.

(e) Appraisal, classification, and liquidation of entries of merchandise covered by published decisions of the Secretary

Notwithstanding the filing of an action pursuant to section 2632 of title 28, merchandise of the character covered by the published decision of the Secretary (when entered for consumption or withdrawn from warehouse for consumption on or before the date of publication of a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, not in harmony with the published decision of the Secretary) shall be appraised or classified, or both, and the entries liquidated, in accordance with the decision of the Secretary and, except as otherwise provided in this chapter, the final liquidations of these entries shall be conclusive upon all parties.

(f) Consignee or his agent as party in interest before the Customs Court

The consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court.

(g) Appraisement, classification, and assessment of duty of merchandise covered by published decision of the Secretary in accordance with final judicial decision of Customs Court or Court of Customs and Patent Appeals sustaining cause of action in whole or in part; suspension of liquidation of entries

If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, merchandise of the character covered by the published decision of the Secretary, which is entered for consumption or withdrawn from warehouse for consumption after the date of publication of the court decision, shall be subject to appraisement, classification, and assessment of duty in accordance with the final judicial decision in the action, and the liquidation of entries covering the merchandise so entered or withdrawn shall be suspended until final disposition is made of the action, whereupon the entries shall be liquidated, or if necessary, reliquidated in accordance with the final decision.

(h) Regulations implementing required procedures

Regulations shall be prescribed by the Secretary to implement the procedures required under this section.

(June 17, 1930, ch. 497, title IV, § 516, 46 Stat. 735; June 25, 1938, ch. 679, § 17(a), 52 Stat. 1084; June 25, 1948, ch. 646, § 39, 62 Stat. 992; June 2, 1970, Pub. L. 91-271, title II, § 209, 84 Stat. 286; Jan. 3, 1975, Pub. L. 93-618, title III, §§ 321(f)(1), 331(b), 88 Stat. 2048, 2052.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 516, 42 Stat. 970. That section was superseded by section 516 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Application of subsection (b) of this section to complaints. Section 17(b) of Act June 25, 1938, provided that: "(b) The provisions of subsection (b) of section 516 of the Tariff Act of 1930 [this section], as amended by this Act, shall apply only in the case of complaints filed after the effective date of this Act [see section 1653a of this title]. The provisions of subsection (b) of section 516 of the Tariff Act of 1930, as in force prior to the effective date of this Act, shall continue in force with respect to any proceedings commenced by the filing of a complaint thereunder, except that upon the expiration of thirty days after the effective date of this Act, or upon the expiration of thirty days after the date of a decision of the Secretary adverse to the complainant, whichever is the later, any such proceedings in which a protest has not been duly filed shall be deemed to have been terminated unless the complainant shall have filed with the Secretary after the effective date of this Act a notice that he desires to protest the classification of, or rate of duty assessed upon, the merchandise."

Amendments

1975—Subsec. (a). Pub. L. 93-618, § 331(b), inserted provisions relating to the additional duty described in section 1303 of this title (to be known as "countervailing duties") and to the special duty described in section 161 of this title (to be known as "antidumping duties").

Subsec. (b). Pub. L. 93-618, § 331(b), inserted provisions relating to countervailing duties and antidumping duties.

Subsec. (c). Pub. L. 93-618, § 331(b), inserted provisions relating to countervailing duties and antidumping duties.

Subsec. (d). Pub. L. 93-618, § 321(f)(1), added subsec. (d). Former subsec. (d) redesignated (e).

Subsecs. (e) to (h). Pub. L. 93-618, § 321(f)(1), redesignated subsecs. (d) to (g) as (e) to (h), respectively.

1970—Subsec. (a). Pub. L. 91-271 substituted provisions requiring the Secretary to furnish to the American manufacturer, producer, or wholesaler the classification, and the rate of duty, if any, imposed upon designated imported merchandise, and provisions authorizing the American manufacturer, etc., to file a protest with the Secretary if the appraised value is too low, the classification is not correct, or the proper rate of duty is not being assessed, for provisions setting forth the procedure for the determination of a protest by an American manufacturer, producer, or wholesaler that the appraised value of any imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him is too low.

Subsec. (b). Pub. L. 91-271 substituted provisions authorizing the Secretary to determine the proper appraised value, classification, or rate of duty of the imported merchandise, and to notify the American manufacturer, producer, or wholesaler of his determination, for provision setting forth the procedure for the determination of a protest by an American manufacturer, producer, or wholesaler that the classification of, and the rate of duty, if any, is not proper.

Subsec. (c). Pub. L. 91-271 substituted provisions setting forth the procedure for the petitioner to contest the decisions of the Secretary with respect to a petition filed pursuant to subsec. (a) of this section, for provisions requiring the collector to mail to the consignee or his agent a copy of every appeal and every protest filed by an American manufacturer, producer, or wholesaler, and authorizing such consignee or his agent to appear and be heard as a party in interest before the Customs Court.

Subsecs. (d) to (g). Pub. L. 91-271 added subsecs. (d) to (g).

1948—Subsec. (b). Act June 25, 1948, repealed last sentence relating to procedure of proceeding over all other cases on Customs Court docket, which is now covered by sections 2602 and 2638 of Title 28, Judiciary and Judicial Procedure.

Subsec. (c). Act June 25, 1948, repealed the last sentence relating to the finality of Customs Court's decision which is now covered by section 2637 of Title 28, Judiciary and Judicial Procedure.

Subsec. (d). Act June 25, 1948, repealed subsec. (d) relating to inspection of documents, which is now covered by section 2634 of Title 28, Judiciary and Judicial Procedure.

1938—Subsec. (b). Act June 25, 1938, amended subsec. (b) generally.

Effective Date of 1975 Amendment

Amendment of subsecs. (a) to (c) of this section by Pub. L. 93-618 effective on Jan. 3, 1975, see section 331(d)(1) of Pub. L. 93-618, set out as an Effective Date of 1975 Amendment note under section 1303 of this title.

Section 321(g)(3) of Pub. L. 93-618 provided that: "The amendment made by subsection (f) [amending subsections (d) to (h) of this section and sections 2631 and 2632 of Title 28, Judiciary and Judicial Procedure] shall apply with respect to determinations under section 201 of the Antidumping Act, 1921 [section 160 of this title], resulting from questions of dumping raised or presented on or after the date of the enactment of this Act [Jan. 3, 1975]."

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Effective Date of 1948 Amendment

Section 38 of act June 25, 1948, provided that the amendment of subsecs. (b) and (c) and the repeal of subsec. (d) of this section should be effective Sept. 1, 1948.

Effective Date of 1938 Amendment

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

Application of Subsection (b) of this Section to Complaints

Section 17(b), (c), of Act of June 25, 1938, as amended by act June 16, 1951, ch. 141, § 9(b), 65 Stat. 75, provided that:

"(b) The provisions of subsection (b) of section 516 of the Tariff Act of 1930 [this section], as amended by this act, shall apply only in the case of complaints filed after the effective date of this act [see note under section 1401 of this title]. The provisions of subsection (b) of section 516 of the Tariff Act of 1930, as in force prior to the effective date of this act, shall continue in force with respect to any proceedings commenced by the filing of a complaint thereunder, except that upon the expiration of thirty days after the effective date of this act, or upon the expiration of thirty days after the date of a decision of the Secretary adverse to the complainant, whichever is the later, any such proceedings in which a protest has not been duly filed shall be deemed to have been terminated unless the complainant shall have filed with the Secretary after the effective date of this act a notice that he desires to protest the classification of, or rate of duty assessed upon, the merchandise.

"(c) [Repealed. June 16, 1951, ch. 141, § 9(b), 65 Stat. 75.]"

Section Referred to in Other Sections

This section is referred to in section 1514 of this title; title 28 sections 1582, 2602, 2631, 2632, 2633.

§§ 1517 to 1519. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 1517, act June 17, 1930, ch. 497, title IV, § 517, 46 Stat. 737, related to frivolous protest or appeal, and is now covered by section 2641 of Title 28, Judiciary and Judicial Procedure.

Section 1518, acts June 10, 1890, ch. 407, § 12, 26 Stat. 136; May 27, 1908, ch. 205, § 3, 35 Stat. 406; Aug. 5, 1909, ch. 6, § 28, 36 Stat. 98; May 28, 1926, ch. 411, § 1, 44 Stat. 669; June 17, 1930, ch. 497, title IV, § 518, 46 Stat. 737, related to the judges of the United States Customs Court: their appointment, salary, retirement, vacancies, and powers; the control of the fiscal affairs and of the clerical force of the court; and the division of the court, and is now covered by sections 251 to 254, 456, 1581, 2071, 2639, and 2640 of Title 28, Judiciary and Judicial Procedure. Last sentence of section, relating to the transfer of unexpended appropriations for salaries to be available for expenditures for the same purposes, was omitted as executed and is not now covered.

Section 1519, act June 17, 1930, ch. 497, title IV, § 519, 46 Stat. 739, related to publication of Customs Court's decisions, and is now covered by section 255 of Title 28, Judiciary and Judicial Procedure.

§ 1520. Refunds and errors

(a) Cases in which refunds authorized

The Secretary of the Treasury is authorized to refund duties or other receipts in the following cases:

(1) *Excess deposits.*—Whenever it is ascertained on liquidation or reliquidation of an entry that more money has been deposited or paid as duties than was required by law to be so deposited or paid;

(2) *Fees, charges, and exactions.*—Whenever it is determined in the manner required by law that any fees, charges, or exactions, other than duties and taxes, have been erroneously or excessively collected; and

(3) *Fines, penalties, and forfeitures.*—Whenever money has been deposited in the Treasury on account of a fine, penalty, or forfeiture which did not accrue, or which is finally determined to have accrued in an amount less than that so deposited, or which is mitigated to an amount less than that so deposited or is remitted.

(b) Authorization of appropriations

The necessary moneys to make such refunds are authorized to be appropriated annually from the general fund of the Treasury.

(c) Reliquidation of entry

Notwithstanding a valid protest was not filed, the appropriate customs officer may, in accordance with regulations prescribed by the Secretary, reliquidate an entry to correct—

(1) a clerical error, mistake of fact, or other inadvertence not amounting to an error in the construction of a law, adverse to the importer and manifest from the record or established by documentary evidence, in any entry, liquidation, or other customs transaction, when the error, mistake, or inadvertence is brought to the attention of the customs service within one year after the date of entry, or transaction, or within ninety days after liquidation or exaction when the liquidation or exaction is made more than nine months after the date of the entry, or transaction; or

(2) any assessment of duty on household or personal effects in respect of which an application for refund has been filed, with such employee as the Secretary of the Treasury shall designate, within one year after the date of entry.

(June 17, 1930, ch. 497, title IV, § 520, 46 Stat. 739; June 26, 1934, ch. 756, § 2, 48 Stat. 1225; June 25, 1938, ch. 679, § 18, 52 Stat. 1086; Aug. 8, 1953, ch. 397, § 20, 67 Stat. 519; June 2, 1970, Pub. L. 91-271, title II, § 210, 84 Stat. 287.)

CODIFICATION

Act June 26, 1934, effective July 1, 1935, provided for repeal of certain permanent appropriations authorizing, in lieu thereof, an annual appropriation from the general fund of the Treasury. See section 725a(b) of Title 31, Money and Finance.

PRIOR PROVISIONS

This section, as originally enacted, contained a paragraph (b) making a permanent appropriation of the moneys necessary to make refunds. Effective July 1, 1935, paragraph (b) was repealed by Act June 26, 1934, ch. 756, § 2, 48 Stat. 1225, such act authorizing, in lieu thereof, an annual appropriation from the general fund of the Treasury. See section 725a(b) of Title 31, Money and Finance.

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 520, 42 Stat. 973. That section was superseded by section 520 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions somewhat similar to those of subdivisions (1) and (3) of paragraph (a) for refund of moneys paid on account of unascertained or estimated duties or payments on appeal, and for correction of clerical errors within one year, with further provisions making an appropriation and requiring reports to Congress of moneys refunded, were contained in Act Oct. 3, 1913, ch. 16, § III, Y, 38 Stat. 191, which re-enacted the provisions of Customs Administrative Act June 10, 1890, ch. 407, § 24, 26 Stat. 140, as renumbered and reenacted by Payne-Aldrich Tariff Act of August 5, 1909, ch. 6, § 28, 36 Stat. 103. Said section III, Y, of the Act of 1913 was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

Provisions concerning the refund of moneys collected as duties in accordance with any decision, etc., of the Secretary of the Treasury, with provisos concerning reliquidations, correction of errors, household effects and other articles exempt from duty, were contained in Act March 3, 1875, ch. 136, 18 Stat. 469, which was also repealed by section 643 of the Act of Sept. 21, 1922.

R.S. § 3011 (as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 247, and Act Feb. 1, 1888, ch. 4, 25 Stat. 6) and section 3012, relative to actions to recover duties paid under protest, and sections 3012½ and 3013, relative to refunds, were repealed by the Customs Administrative Act of June 10, 1890, ch. 407, § 29. 26 Stat. 141.

Act June 7, 1924, ch. 357, 43 Stat. 660, authorizing the remission of unpaid customs duties on material belonging to the United States and theretofore imported by the War Department, was omitted from the Code as temporary.

AMENDMENTS

1970—Subsec. (c). Pub. L. 91-271 in the introductory material substituted "the appropriate customs officer may, in accordance with regulations prescribed by the Secretary," for "the Secretary of the Treasury may authorize a collector to", and in par. (1) struck out "appraisement" wherever appearing therein and substituted "ninety" and "nine" for "sixty" and "ten", respectively.

1953—Subsec. (c)(1). Act Aug. 8, 1953, extended the relief provision to situations involving clerical errors, mistakes of fact, or any other inadvertence not amounting to an error in the construction of a law, in any entry, liquidation, appraisement or other customs transaction, when such error, mistake or other inadvertence is adverse to the record or established by written evidence.

Subsec. (c)(2). Act Aug. 8, 1953, permitted correction of assessments of duty on household or personal effects which are subject to duty.

1938—Subsecs. (b) and (c). Act June 25, 1938, added subsecs. (b) and (c).

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section as effective on and after the thirtieth day following August 8, 1953, and saving clause, see notes set out under section 1304 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

AVAILABILITY OF TRANSPORTATION AND STORAGE FACILITIES FOR MILITARY PURPOSES

Act Sept. 29, 1942, ch. 567, 56 Stat. 761, which authorized removal of merchandise in bond or customs custody from transportation and storage facilities needed for military purposes was repealed by act July 25, 1947, ch. 327, § 1, 61 Stat. 449.

CROSS REFERENCES

Appropriation account covering "Refunding moneys erroneously received and covered (Customs)" abolished and unobligated balances transferred to surplus fund of Treasury, see section 725q of Title 31, Money and Finance.

Provisions for abatement and refund of duties in case of injury to goods while in any public or private warehouse under bond, see section 1563 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1503, 1514 of this title; title 28 section 1582.

§ 1521. Reliquidation on account of fraud

If the appropriate customs officer finds probable cause to believe there is fraud in the case, he may reliquidate an entry within two years (exclusive of the time during which a protest is pending) after the date of liquidation or last reliquidation.

(June 17, 1930, ch. 497, title IV, § 521, 46 Stat. 739; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 521, 42 Stat. 973. That section was superseded by section 521 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

The Act of 1922 contained, in addition, provisions concerning the conclusiveness of settlement of duties after the passage of certain specified times. Somewhat similar provisions were contained in Act June 22, 1874, ch. 391, § 21, 18 Stat. 190, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1514 of this title.

§ 1522. Omitted

CODIFICATION

Section, act June 17, 1930, ch. 497, title IV, § 522, 46 Stat. 739, amended section 372 of Title 31, Money and Finance.

§ 1523. Examination of accounts

The Secretary of the Treasury or such officer or employee as he shall designate, shall, under regulations and instructions prescribed by the Secretary—

(1) examine the customs officers' accounts of receipts and disbursements of money and receipts and disposition of merchandise; and

(2) verify, to such extent as the Secretary of the Treasury shall direct, assessments of duties and taxes and allowances of drawback.

(June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740; Aug. 8, 1953, ch. 397, § 2(d), 67 Stat. 508; June 2, 1970, Pub. L. 91-271, title III, § 301(s), 84 Stat. 290.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 523, 42 Stat. 974. That section was superseded by section 523 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to customs officers for reference to collectors.

1953—Act Aug. 8, 1953, amended section generally by eliminating the provision continuing "naval officers of customs" as "Comptrollers of Customs"; by substituting the reference to "The Secretary of the Treasury or such officer or employee as he shall designate" for references to the comptrollers of customs; and, among other changes, substituting the provision that the verification of assessments of duties and allowances of drawbacks should be to such extent as the Secretary of the Treasury directs, for the former provision requiring such verification in all cases.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

§ 1524. Deposit of reimbursable charges

Receipts for any reimbursable charges or expenses which have been paid for out of any appropriation for collecting the revenue from customs shall be deposited as a refund to such appropriation instead of being covered into the Treasury as miscellaneous receipts, as provided by section 527 of this title.

(June 17, 1930, ch. 497, title IV, § 524, 46 Stat. 741; June 25, 1938, ch. 679, § 19(b), 52 Stat. 1087.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 524, 42 Stat. 975. That section was superseded by section 524 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1938—Act June 25, 1938, amended section generally.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1755 of this title.

§ 1525. Repealed. Pub. L. 89-762, § 2, Nov. 5, 1966, 80 Stat. 1312

Section, act June 17, 1930, ch. 497, title IV, § 525, 46 Stat. 741, authorized the Secretary of the Treasury to employ not more than ten persons in the District of Columbia who have been detailed from the field force of the Customs Service.

§ 1526. Merchandise bearing American trade-mark

(a) Importation prohibited

It shall be unlawful to import into the United States any merchandise of foreign manufacture if such merchandise, or the label, sign, print, package, wrapper, or receptacle, bears a trademark owned by a citizen of, or by a corporation or association created or organized within, the United States, and registered in the Patent and Trademark Office by a person domiciled in the United States, under the provisions of sections 81 to 109 of title 15, and if a copy of the certificate of registration of such trade-mark is filed with the Secretary of the Treasury, in the manner provided in section 106 of said title 15, unless written consent of the owner of such trade mark is produced at the time of making entry.

(b) Seizure and forfeiture

Any such merchandise imported into the United States in violation of the provisions of this section shall be subject to seizure and forfeiture for violation of the customs laws.

(c) Injunction and damages

Any person dealing in any such merchandise may be enjoined from dealing therein within the United States or may be required to export or destroy such merchandise or to remove or obliterate such trademark and shall be liable for the same damages and profits provided for wrongful use of a trade-mark, under the provisions of sections 81 to 109 of title 15.

(June 17, 1930, ch. 497, title IV, § 526, 46 Stat. 741; Jan. 2, 1975, Pub. L. 93-596, § 3, 88 Stat. 1949.)

REFERENCES IN TEXT

Sections 81 to 109 of title 15, referred to in subsecs. (a) and (c), were repealed by act July 5, 1946, ch. 540, § 46(a), 61 Stat. 444 and are now covered by sections 1051 to 1127, respectively, of Title 15, Commerce and Trade.

Section 106 of title 15, referred to in subsec. (a), was repealed by act July 15, 1946, ch. 540, § 46(a), 60 Stat. 444 and is now covered by section 1124 of Title 15.

The customs laws, referred to in subsec. (b), are classified generally to this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 526, 42 Stat. 975. That section was superseded by section 526 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

CHANGE OF NAME

References to the Patent Office have been changed to the Patent and Trademark Office pursuant to Pub. L. 93-596, § 3, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

CROSS REFERENCES

False designations of origin and false descriptions forbidden, see section 1125 of Title 15, Commerce and Trade.

Importation of goods bearing infringing marks or names forbidden, see section 1124 of Title 15.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 48 section 1643.

§ 1527. Importation of wild mammals and birds in violation of foreign law

(a) Importation prohibited

If the laws or regulations of any country, dependency, province, or other subdivision of government restrict the taking, killing, possession, or exportation to the United States, of any wild mammal or bird, alive or dead, or restrict the exportation to the United States of any part or product of any wild mammal or bird, whether raw or manufactured, no such mammal or bird, or part or product thereof, shall, after the expiration of ninety days after June 17, 1930, be imported into the United States from such country, dependency, province, or other subdivision of government, directly or indirectly, unless accompanied by a certification of the United States consul, for the consular district in which is located the port or place from which such mammal or bird, or part or product thereof, was exported from such country, dependency, province, or other subdivision of government, that such mammal or bird, or part or product thereof, has not been acquired or exported in violation of the laws or regulations of such country, dependency, province, or other subdivision of government.

(b) Forfeiture

Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured, imported into the United States in violation of the provisions of the preceding subdivision shall be subject to seizure and forfeiture under the customs laws. Any such article so forfeited may, in the discretion of the Secretary of the Treasury and under such regulations as he may prescribe, be placed with the departments or bureaus of the Federal or State Governments, or with socieities or museums, for exhibition or scientific or educational purposes, or destroyed, or (except in the case of heads or horns of wild mammals) sold in the manner provided by law.

(c) Section not to apply in certain cases

The provisions of this section shall not apply in the case of—

(1) Prohibited importations

Articles the importation of which is prohibited under the provisions of this chapter, or of section 42(a) of title 18, or of any other law;

(2) Scientific or educational purposes

Wild mammals or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) Certain migratory game birds

Migratory game birds (for which an open season is provided by the laws of the United States and any foreign country which is a party to a treaty with the United States, in effect on the date of importation, relating to the protection of such migratory game birds) brought into the United States by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States.

(June 17, 1930, ch. 497, title IV, § 527, 46 Stat. 741.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (b), are classified generally to this title.

CODIFICATION

In subsec. (c)(1), "section 42(a) of title 18" was substituted for "section 241 of the Criminal Code [18 U.S.C. 391]" on authority of Act June 25, 1948, ch. 645, 62 Stat. 683, the first section of which enacted Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1540.

§ 1528. Taxes not to be construed as duties

No tax or other charge imposed by or pursuant to any law of the United States shall be construed to be a customs duty for the purpose of any statute relating to the customs revenue, unless the law imposing such tax or charge designates it as a customs duty or contains a provision to the effect that it shall be treated as a duty imposed under the customs laws. Nothing in this section shall be construed to limit or restrict the jurisdiction of the United States Customs Court or the United States Court of Customs and Patent Appeals.

(June 17, 1930, ch. 497, title IV, § 528, as added June 25, 1938, ch. 679, § 20, 52 Stat. 1087.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

EFFECTIVE DATE

This section to take effect on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

PART IV—TRANSPORTATION IN BOND AND WAREHOUSING OF MERCHANDISE

§ 1551. Designation as carrier of bonded merchandise

Under such regulations and subject to such terms and conditions as the Secretary of the Treasury shall prescribe—

(1) any common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route for the transportation of merchandise in the United States,

(2) any contract carrier authorized to operate as such by any agency of the United States, and

(3) any freight forwarder authorized to operate as such by any agency of the United States,

upon application, may, in the discretion of the Secretary, be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued. A private carrier, upon application, may, in the discretion of the Secretary, be designated under the preceding sentence as a carrier of bonded merchandise, subject to such regulations and, in the case of each applicant, to such special terms and conditions as the Secretary may prescribe to safeguard the revenues of the United States with respect to the transportation of bonded merchandise by such applicant.

(June 17, 1930, ch. 497, title IV, § 551, 46 Stat. 742; Dec. 28, 1945, ch. 605, 59 Stat. 667; Aug. 24, 1962, Pub. L. 87-598, 76 Stat. 400; Oct. 23, 1962, Pub. L. 87-854, 76 Stat. 1130; Jan. 2, 1968, Pub. L. 90-240, § 3, 81 Stat. 776.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 551, 42 Stat. 975. That section was superseded by section 551 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions concerning transportation of merchandise in bond without appraisement to another port of entry were contained in the Immediate Transportation Act of June 10, 1880, ch. 190, 21 Stat. 173, as amended, section 3 of which required the merchandise to be transported by carriers designated by the Secretary of the Treasury, and required them to give bonds as the secretary should require. That act was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

AMENDMENTS

1968—Pub. L. 90-240 provided that a private carrier, upon application, could, in the discretion of the Secretary, be designated as a carrier of bonded merchandise, subject to regulations, terms, and conditions prescribed by the Secretary, safeguard the revenues of the United States with respect to the transportation of bonded merchandise by such applicant.

1962—Pub. L. 87-854 included any contract carrier authorized to operate as such by any agency of the United States.

Pub. L. 87-598 substituted "authorized to operate as such by any agency of the United States," for ", as defined in section 1002(5) of Title 49."

1945—Act Dec. 28, 1945, substituted "Under such regulations and subject to such terms and conditions as the Secretary of the Treasury shall prescribe, any common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route for the transportation of merchandise in the United States, or any freight forwarder, as defined in section 402 of part IV of the Interstate Commerce Act (U.S.C., 1940 edition, Supp. III, title 49, sec. 1002(5)), upon application, may, in the discretion of the Secretary" for "Any common carrier of merchandise owning or operating railroad, steamship, or other transportation lines or routes for the transportation of merchandise in the United States, upon application and the filing of a bond in a form and penalty and with such sureties as may be approved by the Secretary of the Treasury, may".

§ 1551a. Bonded cartmen or lightermen

The Secretary of the Treasury be, and he is, authorized, when it appears to him to be in the interest of commerce, and notwithstanding any provision of law or regulation requiring that the transportation of imported merchandise be by a bonded common carrier, to permit such merchandise which has been entered and examined for customs purposes to be transported by bonded cartmen or bonded lightermen between the ports of New York, Newark, and Perth Amboy, which are all included in Customs Collection District Numbered 10 (New York): *Provided,* That this resolution shall not be construed to deprive any of the ports affected of its rights and privileges as a port of entry.

(June 19, 1936, ch. 611, 49 Stat. 1538.)

CODIFICATION

Section was not enacted as part of Tariff Act of 1930 which constitutes this chapter.

§ 1552. Entry for immediate transportation

Any merchandise, other than explosives and merchandise the importation of which is prohibited, arriving at a port of entry in the United States may be entered, under such rules and regulations as the Secretary of the Treasury may prescribe, for transportation in bond without appraisement to any other port of entry designated by the consignee, or his agent, and by such bonded carrier as he designates, there to be entered in accordance with the provisions of this chapter.

(June 17, 1930, ch. 497, title IV, § 552, 46 Stat. 742.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 552, 42 Stat. 975. That section was superseded by section 552 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions for transportation in bond without appraisement of merchandise with certain exceptions, when imported at certain named ports and destined for certain ports, were contained in Act June 10, 1880, ch. 190, §§ 1 (as amended by Act June 14, 1880, ch. 214, and Act June 20, 1884, ch. 103) 2, 7, and 9, 21 Stat. 173, 174, 175. Sections 5 (as amended by Act July 2, 1884, ch. 142, and Act Feb. 23, 1887, ch. 215, and Act Feb. 2, 1899, ch. 84) and 6 (as amended by Act July 2, 1884, ch. 142), regulated the transportation and transfer of the merchandise. The Act of June 10, 1880 was amended by Act. Feb. 23, 1887, ch. 218, 24 Stat. 414, and its provisions were extended by various acts to ports other than those originally named. The Act of June 10, 1880, ch. 190, as amended, and the Acts of Feb. 23, 1887, ch. 218, and Feb. 2, 1899, ch. 84, were all repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989, and the various acts extending the provisions of the Act of June 10, 1880, thereupon became inoperative.

R.S. §§ 2990-2997, as amended by Act Feb. 18, 1875, ch. 80, 18 Stat. 319, and as extended by Act Mar. 14, 1876, ch. 23, 19 Stat. 7, and Act Aug. 14, 1876, ch. 270, 19 Stat. 139, contained provisions somewhat similar to those of the Act of June 10, 1880, ch. 190, and were repealed by section 8 of that act.

R.S. § 2581, relative to the transshipment of merchandise transported in bond to the port of Brownsville, by Brazos Harbor; R.S. §§ 2816-2831, as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 246, 247, and Act June 16, 1880, ch. 239, 21 Stat. 283, relative to transportation of merchandise intended to be imported into certain ports of delivery; and R.S. § 2998, prescribing a penalty for breaking or entering any car, etc., containing merchandise transported under sections 2990-2997, or defacing any lock or seal, etc.—were all repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1315, 1482, 1484 of this title.

§ 1553. Entry for transportation and exportation

Any merchandise, other than explosives and merchandise the importation of which is prohibited, shown by the manifest, bill of lading, shipping receipt, or other document to be destined to a foreign country, may be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duties and exported under such regulations as the Secretary of the Treasury shall prescribe; and any baggage or personal effects not containing merchandise the importation of which is prohibited arriving in the United States destined to a foreign country may, upon the request of the owner or carrier having the same in possession for transportation, be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duty, under such regulations as the Secretary of the Treasury may prescribe. In places where no bonded common-carrier facilities are reasonably available, such merchandise may be so transported otherwise than by a bonded common carrier under such regulations as the Secretary of the Treasury shall prescribe.

(June 17, 1930, ch. 497, title IV, § 553, 46 Stat. 742; June 25, 1938, ch. 679, § 21, 52 Stat. 1087.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 553, 42 Stat. 976. That section was superseded by section 553 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

A prior provision that merchandise destined for a foreign country might be entered and conveyed through the territory of the United States without payment of duties under regulations to be prescribed by the Secretary of the Treasury was contained in R.S. § 3005, as amended by Act Feb. 27, 1877, c. 69, § 1, 19 Stat. 247, and Act May 21, 1900, ch. 487, § 1, 31 Stat. 181. Res. March 1, 1895, No. 23, 28 Stat. 973, partially suspending the operation of that section, was repealed by Act May 21, 1900, ch. 487, § 2, 31 Stat. 181, and the section was itself repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

A provision that baggage or personal effects in transit to a foreign country might be delivered to the collector for retention without payment of duty, or forwarding to the collector of the port of departure, was contained in Act Oct. 3, 1913, ch. 16, § III, CC, 38 Stat. 192, which re-enacted Customs Administrative Act June 10, 1890, ch. 407, § 28, 26 Stat. 141, as re-enacted by Payne-Aldrich Tariff Act Aug. 5, 1909, ch. 6, § 28, 36 Stat. 104. Said section III, CC, of the Act of 1913, was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

R.S. § 2803, on the same subject, was superseded by section 28 of the Customs Administrative Act of June 10, 1890, and repealed by section 642 of the Act of September 21, 1922.

R.S. § 2866, provided for the entry and conveyance in transit, without payment of duties, of merchandise arriving at certain ports in the United States destined for the British possessions in North America, and for conveyance in transit from such possessions for export from said ports, in pursuance of provisions of the treaty with Great Britain of May 8, 1871. It was repealed on the termination of articles 18-25, 30, of that treaty, pursuant to the Joint Resolution of March 3, 1883, No. 22, 22 Stat. 641.

AMENDMENTS

1938—Act June 25, 1938, added the sentence providing for transportation otherwise than by bonded carrier where no bonded common-carrier facilities are reasonably available.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note under section 1401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1484 of this title.

§ 1554. Transportation through contiguous countries

With the consent of the proper authorities, imported merchandise, in bond or duty-paid, and products and manufactures of the United States may be transported from one port to another in the United States through contiguous countries, under such regulations as the Secretary of the Treasury shall prescribe, unless such transportation is in violation of R.S. § 4347, section 883 of title 46 or section 1588 of this title.

(June 17, 1930, ch. 497, title IV, § 554, 46 Stat. 743.)

REFERENCES IN TEXT

R.S. § 4347, referred to in the text, is not classified to this Code.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 554, 42 Stat. 976. That section was superseded by section 554 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior to its incorporation into the Code, this section read, in part: "unless such transportation is in violation of section 4347 of the Revised Statutes, as amended, section 27 of the Merchant Marine Act, 1920, or section 588 of this Act." Section 4347 of the Revised Statutes, as amended, was superseded by Act Feb. 17, 1898, ch. 26, § 1, 30 Stat. 248, which was incorporated into the Code as section 290 of Title 46, Shipping. Section 27 of the Merchant Marine Act and section 588 of the Tariff Act of 1930 were incorporated into the Code as section 883 of Title 46, Shipping, and section 1588 of this title, respectively.

Prior provisions the same in effect as those of this section, except that they did not contain the provision commencing with the words "unless such transportation," were contained in R.S. § 3006, which also provided that the merchandise transported should be treated as if transported entirely within the United States. R.S. § 3007 exempted cars and vehicles from the payment of fees for receiving or certifying manifests. Both sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

§ 1555. Bonded warehouses

Buildings or parts of buildings and other enclosures may be designated by the Secretary of the Treasury as bonded warehouses for the storage of imported merchandise entered for warehousing, or taken possession of by the appropriate customs officer, or under seizure, or for the manufacture of merchandise in bond, or for the repacking, sorting, or cleaning of imported merchandise. Such warehouses may be bonded for the storing of such merchandise only as shall belong or be consigned to the owners or proprietors thereof and be known as private bonded warehouses, or for the storage of imported merchandise generally and be known as public bonded warehouses. Before any imported merchandise not finally released from customs custody shall be stored in any such premises, the owner or lessee thereof shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. Except as otherwise provided in this chapter, bonded warehouses shall be used solely for the storage of imported merchandise and shall be placed in charge of a proper officer of the customs, who, together with the proprietor thereof, shall have joint custody of all merchandise stored in the warehouse; and all labor on the merchandise so stored shall be performed by the owner or proprietor of the warehouse, under supervision of the officer of the customs in charge of the same, at the expense of the owner or proprietor. The compensation of such officer of the customs and other customs employees appointed to supervise the receipt of merchandise into any such warehouse and deliveries therefrom shall be reimbursed to the Government by the proprietor of such warehouse.

(June 17, 1930, ch. 497, title IV, § 555, 46 Stat. 743; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 555, 42 Stat. 976. That section was superseded by section 555 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions dealing with the subject-matter of this section were contained in R.S. § 2958, authorizing cellars and vaults of stores for storage of wines and distilled spirits, and yards for storage of coal, etc., to be constituted bonded warehouses; section 2959, authorizing parts of buildings to be bonded for the storage of grain; section 2960, requiring private warehouses to be used solely for the storage of warehoused merchandise, and be approved by the Secretary of the Treasury, and be in charge of a proper officer of the customs, etc.; section 2961 requiring bonds to hold the United States harmless, and providing that imports deposited in warehouses should be at the risk and expense of the owner or importer; section 2968, authorizing the extension of warehouse privileges to the port of Albany; and section 2988, as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 247, requiring collectors to make reports of merchandise in warehouses. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1556. Bonded warehouses; regulations for establishing

The Secretary of the Treasury shall from time to time establish such rules and regulations as may be necessary for the establishment of bonded warehouses and to protect the interests of the Government in the conduct, management, and operation of such warehouses and in the withdrawal of and accounting for merchandise deposited therein.

(June 17, 1930, ch. 497, title IV, § 556, 46 Stat. 743.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 556, 42 Stat. 976. That section was superseded by section 556 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions on the subject-matter of this section were contained in R.S. § 2989, as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 247, authorizing the Secretary of the Treasury to establish rules and regulations for the execution of the provisions of that chapter (chapter 7 of Title 34 of the Revised Statutes, The Bond and Warehouse System); and in Act June 22, 1874, ch. 391, § 24, 18 Stat. 191, authorizing the Secretary to make regulations for the conduct and management of bonded warehouses, general order stores and other depositories, and to revise, alter or revoke regulations or orders, issued by collectors, prohibiting the bonding of warehouses or the establishment of general order stores without his authority and approval, and making it his duty to require warehouses to be located contiguous, or as near as might be, to landing places of vessels. These sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, §§ 642, 643, 42 Stat. 989.

§ 1557. Entry for warehouse

(a) Withdrawal of merchandise; time; payment of charges

Any merchandise subject to duty, with the exception of perishable articles and explosive substances other than firecrackers, may be entered for warehousing and be deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee. Such merchandise may be withdrawn, at any time within three years from the date of importation, for consumption upon payment of the duties and charges accruing thereon at the rate of duty imposed by law upon such merchandise at the date of withdrawal; or may be withdrawn for exportation or for transportation and exportation to a foreign country, or for shipment or for transportation and shipment to the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, or the island of Guam, without the payment of duties thereon, or for transportation and rewarehousing at another port or elsewhere, or for transfer to another bonded warehouse at the same port: *Provided,* That the total period of time for which such merchandise may remain in bonded warehouse shall not exceed three years from the date of importation. Merchandise upon which the duties have been paid and which shall have remained continuously in bonded warehouse or otherwise in the custody and under the control of customs officers, may be entered or withdrawn at any time within three years after the date of importation for exportation or for transportation and exportation to a foreign country, or for shipment or for transportation and shipment to the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, or the island of Guam, under such regulations as the Secretary of the Treasury shall prescribe, and upon such entry or withdrawal, and exportation or shipment, the duties thereon shall be refunded.

(b) Transferral of right of withdrawal

The right to withdraw any merchandise entered in accordance with subsection (a) of this section for the purposes specified in such subsection may be transferred upon compliance with regulations prescribed by the Secretary of the Treasury and upon the filing by the transferee of a bond in such amount and containing such conditions as the Secretary of the Treasury shall prescribe. The bond shall include an obligation to pay, with respect to the merchandise the subject of the transfer, all unpaid regular, increased, and additional duties, all unpaid taxes imposed upon or by reason of importation, and all unpaid charges and exactions. Such transfers shall be irrevocable, shall relieve the transferor from all customs liability with respect to obligations assumed by the transferee under the bond herein provided for, and shall confer upon the transferee all rights to the privileges provided for in this section and in sections 1562 and 1563 of this title which were vested in the transferor prior to the transfer. The transferee shall also have the right to receive all lawful refunds of money paid by him to the United States with respect to the merchandise the subject of the transfer, and shall have the right to file a protest under section 1514 of this title to the same extent that such right would have been available to the transferor. Notice of liquidation shall be given to the transferee in the form and manner prescribed by the Secretary of the Treasury. A transferee may further transfer the right to withdraw merchandise, subject to the provisions of this subsection relating to original transfers.

(c) Destruction of merchandise at request of consignee

Merchandise entered under bond, under any provision of law, may, upon payment of all charges other than duty on the merchandise, be destroyed, at the request and at the expense of the consignee, within the bonded period under customs supervision, in lieu of exportation, and upon such destruction the entry of such merchandise shall be liquidated without payment of duty and any duties collected shall be refunded.

(June 17, 1930, ch. 497, title IV, § 557, 46 Stat. 744; June 25, 1938, ch. 679, §§ 2, 22(a), 23(a), 52 Stat. 1077, 1087, 1088; Aug. 8, 1953, ch. 397, § 21(a), 67 Stat. 519; June 30, 1955, ch. 258, § 2(a)(4), 69 Stat. 242; June 2, 1970, Pub. L. 91-271, title III, § 301(t), 84 Stat. 290; Jan. 12, 1971, Pub. L. 91-685, § 1, 84 Stat. 2069.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 557, 42 Stat. 977. That section was superseded by section 557 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions dealing with the subject-matter of this section were contained in the following statutes, all of which were repealed by Act Sept. 21, 1922, ch. 356, Title IV, §§ 642, 643, 42 Stat. 989:

Act Oct. 3, 1913, ch. 16, § III, S, 38 Stat. 189, re-enacting the provisions of Customs Administrative Act of June 10, 1890, ch. 407, § 20, 26 Stat. 140, as amended by Act Oct. 1, 1890, ch. 1244, § 54, 26 Stat. 624, and Act Dec. 15, 1902, ch. 1, 32 Stat. 753, and as re-enacted by Payne-Aldrich Tariff Act Aug. 5, 1909, ch. 6, § 28, 36 Stat. 101, and authorizing the withdrawal for consumption of merchandise deposited in any public or private bonded warehouse within three years from date of importation, on payment of duties and charges to which it might be subject at the time of such withdrawal;

Res. Sept. 5, 1916, ch. 441, 39 Stat. 725, extending the time for which merchandise for exportation to Mexico might remain in bonded warehouse;

R.S. § 2962, authorizing the deposit of merchandise, with specified exceptions, when duly entered and bonded for warehousing, in any public warehouse owned or leased by the United States, the private warehouse of the importer used exclusively for the storage of the importer's warehoused merchandise, or a warehouse used as a general warehouse for the storage of warehoused merchandise; section 2964, providing that when the owner, etc., should make entry for warehousing, the collector should take possession and deposit the merchandise in the public stores, or in stores to be agreed on, there to be kept at the risk of the owner, importer, etc., and subject to their order, on payment of duties and expenses to be ascertained on entry, and secured by bond with surety; section 2970 (superseded by Customs Administrative Act of June 10, 1890, ch. 407, § 20, 26 Stat. 140), relative to the withdrawal of merchandise; section 2971, authorizing withdrawal for exportation, or transshipment to the Pacific Coast, and providing for exclusion of periods when exportation or transshipment should be prevented in computing the three years; section 2977 relative to return of duties on merchandise upon which duties had been paid; section 3000 authorizing withdrawal and transportation to a bonded warehouse in another district and rewarehousing thereat; section 3001, as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 247, authorizing the Secretary of the Treasury to prescribe the form of bond to be given for transportation under the preceding section, and the time for delivery, and imposing a penalty and providing for forfeiture for failure to transport and deliver within the time limited; sections 3002 and 3003, as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 247, and section 3004, as amended by Act Sept. 25, 1890, ch. 917, § 2, 26 Stat. 470, authorizing withdrawal for exportation to Mexico by certain routes, and through certain ports.

R.S. § 2967, which provided that merchandise imported into the port of Louisville, and destined for Jeffersonville, might be landed and warehoused at Jeffersonville, was superseded by the Plan of Reorganization of the Customs Service set out in a note to section 1 of this title, and was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Amendments

1971—Subsec. (b). Pub. L. 91-685 substituted provisions which granted the transferee the right to file a protest under section 1514 of this title to the same extent that such right would have been available to the transferor and required notice of liquidation to be given the transferee in the form and manner prescribed by the Secretary of the Treasury for former provisions which denied the transferee the right to file any protest under section 1514 of this title except as to decisions with respect to his rights under subsec. (c) of this section or under section 1562 or 1563 of this title or against a decision as to the rate or amount of duty, tax, charge, or exaction when such rate or amount has been changed by statute or proclamation on or after the date of the transfer, or the right to file an appeal for reappraisement under section 1501 of this title, except when subsequent to the transfer and before a withdrawal for consumption has been deposited for the merchandise, it has been charge changed in condition pursuant to section 1311 or 1562 of this title in a manner which necessitates that it be appraised in its changed condition in order that the correct amount of duties may be assessed, and prohibited any new or separate liquidation, reliquidation, or determination to be made in name of, or on behalf of, a transferee, except with regard to any matter which may arise under subsec. (c) of this section or section 1562 or 1563 of this title when the transferee has invoked either of these sections, and in the case of a statutory or proclaimed change in the rate of duty, tax, charge, or exaction applicable to the merchandise the subject of the transfer and effective on or after the date of the transfer.

1970—Subsec. (b). Pub. L. 91-271 substituted "a protest contesting an appraisement decision in accordance with section 1514 of this title" for "an appeal for reappraisement under section 1501 of this title".

1955—Subsec. (a). Act June 30, 1955, inserted "Johnston Island" in two instances.

1953—Subsec. (b). Act Aug. 8, 1953, provided that all transfers shall be irrevocable; that in the case of each transfer the transferee shall file a bond undertaking to pay all unpaid duties, taxes, charges, and exactions on the merchandise the subject of the transfer; and that a transferee shall have no right to file a protest under section 1514 of this title, or to a separate liquidation in his behalf, unless the rate of duty, tax, charge, or exaction has been changed pursuant to statute or proclamation after the right to withdraw the merchandise was transferred to him.

1938—Act June 25, 1938, amended section generally, and among other changes, inserted "Wake Island, Midway Islands, Kingman Reef" before "or the island of Guam," and deleted "(or ten months in the case of grain)" wherever it appeared.

Effective Date of 1971 Amendment

Section 2 of Pub. L. 91-685 provided that: "The amendment made by this section of this Act [to subsec. (b) of this section] shall apply with respect to articles entered for warehousing on or after the date of the enactment of this Act [Jan. 12, 1971]."

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Effective Date of 1955 Amendment

Amendment by act June 30, 1955, effective July 1, 1955, see Effective Date of 1955 Amendment note under section 1401 of this title.

Effective Date of 1953 Amendment

Section 21(b) of act Aug. 8, 1953, provided: "Notwithstanding any other provision of this Act [which amended section 258 of this title, pars. 28, 354, 357 to 361, 391, 393, 783, 812, and 1553 of section 1001 of this title, pars. 1607, 1615(f), 1747, 1798, and 1809 of section 1201 of this title, sections 1304(a)(3), 1308, 1309(a), (b), 1313(b), (c), (h), (i), 1315, 1317(b), 1321, 1431, 1439, 1440, 1482(a), 1484(a), (b), (f), 1486, 1487, 1489, 1498(a), 1501(a), 1503, 1508, 1520(c)(1), (2), 1523, 1557(b) and 1562 of this title, enacted sections 1322 and 1646a of this title, and repealed par. 1808 of section 1201 of this title, and sections 33 to 35, 39, 42 to 45, 273, 274, 472 to 475, 1320, and 1503a of this title], the foregoing subsection (a) shall be effective with respect to merchandise entered after the date of the enactment of this

Act [Aug. 8, 1953] and to merchandise which has been entered before that date and is the subject of a transfer within the purview of section 557(b) of the Tariff Act [subsec. (b) of this section], as amended by this Act, and made after the date of the enactment of this Act."

Effective Date of 1938 Amendment

Section 23(b) of act June 25, 1938, provided as follows: "The amendments made by subsection (a) of this section shall apply in the case of grain imported prior to the effective date of this act [see note under section 1401 of this title] which, on such date, has not become abandoned to the Government under section 491 or 559 of the Tariff Act of 1930 [section 1491 or 1559 of this title], and which has remained in the custody of customs officers."

Savings Clause

Savings clause of act Aug. 8, 1953, which amended subsec. (b) of this section, see note under section 1304 of this title.

Extension of Three-Year Period

For extension of three year period prescribed in this section, see Proc. No. 2948, Oct. 12, 1951, 16 F.R. 10589, 65 Stat. c41, set out as a note under section 1318 of this title.

Proc. No. 2599, Nov. 6, 1943, 8 F.R. 15359, 57 Stat. 758, as amended by Proc. No. 2712, Dec. 4, 1946, 11 F.R. 14133, 61 Stat. 1047, superseded by Proc. No. 2948, Oct. 12, 1951, 16 F.R. 10589, 65 Stat. c41.

Section Referred to in Other Sections

This section is referred to in sections 1491, 1514, 1558 of this title.

§ 1558. No remission or refund after release of merchandise

(a) No remission, abatement, refund, or drawback of estimated or liquidated duty shall be allowed because of the exportation or destruction of any merchandise after its release from the custody of the Government, except in the following cases:

(1) When articles are exported with respect to which a drawback of duties is expressly provided for by law;

(2) When prohibited articles have been regularly entered in good faith and are subsequently exported or destroyed pursuant to a law of the United States and under such regulations as the Secretary of the Treasury may prescribe; and

(3) When articles entered under bond, under any provision of law, are destroyed within the bonded period as provided for in section 1557 of this title, or are destroyed within the bonded period by death, accidental fire, or other casualty, and proof of such destruction is furnished which shall be satisfactory to the Secretary of the Treasury, in which case any accrued duties shall be remitted or refunded and any condition in the bond that the articles shall be exported shall be deemed to have been satisfied.

(b) When articles are exported or destroyed under customs supervision after once having been released from customs custody, as provided for in subsection (c) of section 1304 of this title, such exportation or destruction shall not exempt such articles from the payment of duties other than the marking duty provided for in such subsection (c).

(June 17, 1930, ch. 497, title IV, § 558, 46 Stat. 744; June 25, 1938, ch. 679, § 24, 52 Stat. 1088.)

Prior Provisions

Provisions similar to those of this section were contained in R.S. § 2978, as amended by Act. Feb. 27, 1877, ch. 69, § 1, 19 Stat. 247, and in R.S. § 3025, both of which were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 558, 42 Stat. 977, and were repealed by section 642 thereof. Section 558 of the 1922 Act was superseded by section 558 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Amendments

1938—Act June 25, 1938, designated existing provisions as subsecs. (a) and (b).

Effective Date of 1938 Amendment

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note under section 1401 of this title.

§ 1559. Warehouse goods deemed abandoned after three years

Merchandise upon which any duties or charges are unpaid, remaining in bonded warehouse beyond three years from the date of importation, shall be regarded as abandoned to the Government and shall be sold under such regulations as the Secretary of the Treasury shall prescribe, and the proceeds of sale paid into the Treasury, as in the case of unclaimed merchandise covered by section 1493 of this title, subject to the payment to the owner or consignee of such amount, if any, as shall remain after deduction of duties, charges, and expenses. Merchandise upon which all duties and charges have been paid, remaining in bonded warehouse beyond three years from the date of importation, shall be held to be no longer in the custody or control of the officers of the customs.

(June 17, 1930, ch. 497, title IV, § 559, 46 Stat. 744; June 25, 1938, ch. 679, § 23(a), 52 Stat. 1088.)

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 559, 42 Stat. 977. That section was superseded by section 559 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions that goods, remaining in public store or bonded warehouse beyond three years, should be regarded as abandoned and sold, and the proceeds paid into the Treasury, and that the Secretary might pay the proceeds to the owner, etc., after deducting duties, charges and expenses, were contained in R.S. §§ 2971 and 2972, both of which were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Amendments

1938—Act June 25, 1938, deleted "(or ten months in the case of grain)" wherever appearing.

Effective Date of 1938 Amendment

Section 23(b) of act June 25, 1938, provided as follows: "(b) The amendments made by subsection (a) of this section shall apply in the case of grain imported prior to the effective date of this act [see note under section 1401 of this title] which, on such date, has not become abandoned to the Government under section 491 or 559 of the Tariff Act of 1930 [section 1491 or

1559 of this title], and which has remained in the custody of customs officers."

EXTENSION OF THREE-YEAR PERIOD

For extension of three year period prescribed in this section, see Proc. No. 2948, Oct. 12, 1951, 16 F.R. 10589, 65 Stat. c41, set out as a note under section 1318 of this title.

Proc. No. 2599, Nov. 6, 1943, 8 F.R. 15359, 57 Stat. 758, as amended by Proc. No. 2712, Dec. 4, 1946, 11 F.R. 14133, 61 Stat. 1047, was superseded by Proc. No. 2948, Oct. 12, 1951, 16 F.R. 10589, 65 Stat. c41.

CROSS REFERENCES

Repeal of permanent appropriation in this section, see section 725a of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1491 of this title.

§ 1560. Leasing of warehouses

The Secretary of the Treasury may cause to be set aside any available space in a building used as a customhouse for the storage of bonded merchandise or may lease premises for the storage of unclaimed merchandise or other imported merchandise required to be stored by the Government, and set aside a portion of such leased premises for the storage of bonded merchandise: *Provided,* That no part of any premises owned or leased by the Government may be used for the storage of bonded merchandise at any port at which a public bonded warehouse has been established and is in operation. All the premises so leased shall be leased on public account and the storage and other charges shall be deposited and accounted for as customs receipts, and the rates therefor shall not be less than the charges for storage and similar services made at such port of entry by commercial concerns for the storage and handling of merchandise. No officer of the customs shall own, in whole or in part, any bonded warehouse or enter into any contract or agreement for the lease or use of any building to be thereafter erected as a public store or warehouse. No lease of any building to be so used shall be taken for a longer period than three years, nor shall rent for any such premises be paid, in whole or in part, in advance.

(June 17, 1930, ch. 497, title IV, § 560, 46 Stat. 745; June 2, 1970, Pub. L. 91-271, title III, § 301(u), 84 Stat. 290.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 560, 42 Stat. 977. That section was superseded by section 560 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions on the subject-matter of this section were contained in R.S. § 2953, providing that nothing therein contained should be construed to prevent the leasing or hiring of buildings for use of appraisers, or for short periods, of stores required for customhouse purposes at the smaller ports; section 2954, authorizing the leasing of warehouses for storage of unclaimed goods or goods required to be stored; section 2955, prohibiting the leasing of warehouses at ports at which there was any private bonded warehouse, but excepting buildings for use of appraisers, etc.; section 2956, providing that warehouses hired should be on public account, and be appropriated exclusively to receipt of foreign merchandise, subject, as to rates of storage, to regulation by the Secretary of the Treasury; and section 2957, prohibiting leases for more than three years, or the payment of rent in advance. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

A prior provision that no officer of the customs should have any personal ownership of, or interest in, any bonded warehouse or general order store, was contained in Act June 22, 1874, ch. 391, § 24, 18 Stat. 191; and a provision prohibiting agreements for the use of any building to be erected was contained in R.S. § 2957. Both of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, §§ 642, 643, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted "officer of the customs" for "collector or other officer of the customs".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1561. Public stores

Any premises owned or leased by the Government and used for the storage of merchandise for the final release of which from customs custody a permit has not been issued shall be known as a "public store."

(June 17, 1930, ch. 497, title IV, § 561, 46 Stat. 745.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 561, 42 Stat. 978. That section was superseded by section 561 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

§ 1562. Manipulation in warehouse

Unless by special authority of the Secretary of the Treasury, no merchandise shall be withdrawn from bonded warehouse in less quantity than an entire bale, cask, box, or other package; or, if in bulk, in the entire quantity imported or in a quantity not less than one ton weight. All merchandise so withdrawn shall be withdrawn in the original packages in which imported unless, upon the application of the importer, it appears to be the appropriate customs officer that it is necessary to the safety or preservation of the merchandise to repack or transfer the same: *Provided,* That upon permission therefor being granted by the Secretary of the Treasury, and under customs supervision, at the expense of the proprietor, merchandise may be cleaned, sorted, repacked, or otherwise changed in condition, but not manufactured, in bonded warehouses established for that purpose and be withdrawn therefrom for exportation to a foreign country or for shipment to the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, or the island of Guam, without payment of the duties, or for consumption, upon payment of the duties accruing thereon, in its condition and quantity, and at its weight, at the time of withdrawal from warehouse, with such additions to or deductions from the final appraised value as may be necessary by reason of change in condition. The basis for the assessment of duties on such merchandise so withdrawn for consumption shall be the adjusted final appraised value, and if the rate of duty is based upon or regulated in any manner by the value of the merchandise, such rate shall be based upon or regulated by such adjusted final appraised value. The scouring or carbonizing of wool shall not be considered a process of manufacture within the provisions of this section. Under such regulations as the Secretary of the Treasury shall prescribe, imported merchandise which has been entered and which has remained in continuous customs custody may be manipulated in accordance with the provisions of this section under customs supervision and at the risk and expense of the consignee, but elsewhere than in a bonded warehouse, in cases where neither the protection of the revenue nor the proper conduct of customs business requires that such manipulation be done in bonded warehouse.

(June 17, 1930, ch. 497, title IV, § 562, 46 Stat. 745; June 25, 1938, ch. 679, §§ 2, 25, 52 Stat. 1077, 1088; Aug. 8, 1953, ch. 397, § 18(f), 67 Stat. 518; June 30, 1955, ch. 258, § 2(a)(5), 69 Stat. 242; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 562, 42 Stat. 978. That section was superseded by section 562 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions substantially the same, in effect, as those of this section with respect to the quantity of merchandise which might be withdrawn, were contained in R.S. § 2980, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

1955—Act June 30, 1955, inserted "Johnston Island".

1953—Act Aug. 8, 1953, in sentence beginning "The basis for the assessment of duties on" deleted (1) "the entered value or" which followed "consumption shall be"; (2) "whichever is higher," which followed "the adjusted final appraised value,"; and (3) "; but for the purpose of the ascertainment and assessment of additional duties under section 1489 of this chapter adjustments of the final appraised value shall be disregarded" which followed "such adjusted final appraised value" at end of such sentence.

1938—Act June 25, 1938, added a new sentence providing for manipulation of imported merchandise entering and remaining in continuous customs custody in cases where neither the protection of the revenue nor proper conduct of business requires such manipulation be done in a bonded warehouse, and inserted "Wake Island, Midway Islands, Kingman Reef" before "or the island of Guam".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act June 30, 1955, effective July 1, 1955, see Effective Date of 1955 Amendment note under section 1401 of this title.

EFFECTIVE DATE OF 1953 AMENDMENT; SAVING CLAUSE

Amendment to this section effective on and after the thirtieth day following Aug. 8, 1953, and saving clause, see notes set out under section 1304 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note under section 1401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1503 of this title.

§ 1563. Allowance for loss, abandonment of warehouse goods

(a) In no case shall there be any abatement or allowance made in the duties for any injury, deterioration, loss, or damage sustained by any merchandise while remaining in customs custody, except that the Secretary of the Treasury is authorized, upon production of proof satisfactory to him of the loss or theft of any merchandise while in the appraiser's stores, or of the actual injury or destruction, in whole or in part, of any merchandise by accidental fire or other casualty, while in bonded warehouse, or in the appraiser's stores, or while in transportation under bond, or while in the custody of the officers of the customs, although not in bond, or while within the limits of any port of entry and before having been landed under the supervision of the officers of the customs, to abate or refund, as the case may be, the duties upon such merchandise, in whole or in part, and to pay any such refund out of any moneys in the Treasury not otherwise appropriated, and to cancel any warehouse bond or bonds, or enter satisfaction thereon in whole or in part, as the case may be, but no abatement or refund shall be made in respect of injury or destruction of any merchandise in bonded warehouse occurring after the expiration of three years from the date of importation. The decision of the Secretary of the Treasury as to the abatement or refund of the duties on any such merchandise shall be final and conclusive upon all persons.

The Secretary of the Treasury is authorized to prescribe such regulations as he may deem necessary to carry out the provisions of this subdivision, and he may by such regulations limit the time within which proof of loss, theft, injury, or destruction shall be submitted, and may provide for the abatement or refund of duties, as authorized herein, by appropriate customs officers in cases in which the amount of the abatement or refund claimed is less than $25 and in which the importer has agreed to abide by the decision of the customs officer. The decision of the customs officer in any such case shall be final and conclusive upon all persons.

(b) Under such regulations as the Secretary of the Treasury may prescribe and subject to any conditions imposed thereby, the consignee may at any time within three years from the date of original importation, abandon to the Government any merchandise in bonded warehouse, whereupon any duties on such merchandise may be remitted or refunded as the case may be, but any merchandise so abandoned shall not be less than an entire package and shall be abandoned in the original package without having been repacked while in a bonded warehouse (other than a bonded manipulating warehouse).

(June 17, 1930, ch. 497, title IV, § 563, 46 Stat. 746; June 25, 1938, ch. 679, § 23(a), 52 Stat. 1088; June 2, 1970, Pub. L. 91-271, title III, § 301(v), 84 Stat. 290.)

CODIFICATION

Provisions of this section authorizing transfer of cases before the United States Customs Court on June 18, 1930, to the Secretary of the Treasury, or to the collector, for consideration and determination, were omitted as obsolete.

PRIOR PROVISIONS

Prior provisions somewhat similar to those of this section, were contained in R.S. § 2983, and section 2984 as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 247, which contained a further provision for cancellation or satisfaction of warehouse bonds. Both of these sections were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 563, 42 Stat. 978, and repealed by section 642 thereof. Section 563 of the 1922 Act was superseded and enlarged by section 563 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-271 substituted "appropriate customs officers" for "collectors of customs", and "customs officer" for "collector" wherever appearing therein.

1938—Act June 25, 1938, deleted "(or ten months in the case of grain)" wherever appearing.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Section 23(b) of act June 25, 1938, provided as follows: "(b) The amendments made by subsection (a) of this section shall apply in the case of grain imported prior to the effective date of this act [see note under section 1401 of this title] which, on such date, has not become abandoned to the Government under section 491 or 559 of the Tariff Act of 1930 [section 1491 or 1559 of this title], and which has remained in the custody of customs officers."

CROSS REFERENCES

Annual appropriation from the general fund of the Treasury, see section 725a of Title 31, Money and Finance.

§ 1564. Liens

Whenever a customs officer shall be notified in writing of the existence of a lien for freight, charges, or contribution in general average upon any imported merchandise sent to the appraiser's store for examination, entered for warehousing or taken possession of by him, he shall refuse to permit delivery thereof from public store or bonded warehouse until proof shall be produced that the said lien has been satisfied or discharged. The rights of the United States shall not be prejudiced or affected by the filing of such lien, nor shall the United States or its officers be liable for losses or damages consequent upon such refusal to permit delivery. If merchandise, regarding which such notice of lien has been filed, shall be forfeited or abandoned and sold, the freight, charges, or contribution in general average due thereon shall be paid from the proceeds of such sale in the same manner as other lawful charges and expenses are paid therefrom.

(June 17, 1930, ch. 497, title IV, § 564, 46 Stat. 747; June 2, 1970, Pub. L. 91-271, title III, § 301(w), 84 Stat. 290.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 564, 42 Stat. 978. That section was superseded by section 564 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions somewhat similar to those of this section were contained in R.S. & 2981, as amended by Act June 10, 1880, ch. 190, § 10. 21 Stat. 175, and Act May 21, 1896, ch. 217, 29 Stat. 129, which also required notice to be given the party claiming the lien before delivery of the goods, and provided that possession by officers of the customs should not affect the discharge of the lien. That section was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to customs officer for reference to collector of customs.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1565. Cartage

The cartage of merchandise entered for warehouse shall be done by cartmen to be appointed and licensed by the appropriate customs officer and who shall give a bond in a penal sum to be fixed by such customs officer, for the protection of the Government against any loss of, or damage to, such merchandise while being so carted. The cartage of merchandise designated for examination at the appraiser's stores and of merchandise taken into custody by the customs officer as unclaimed shall be performed by such persons as may be designated, under contract or otherwise, by the Secretary of the Treasury, and under such regulations for the protection of the owners thereof and of the revenue as the Secretary of the Treasury shall prescribe.

(June 17, 1930, ch. 497, title IV, § 565, 46 Stat. 747; June 2, 1970, Pub. L. 91-271, title III, § 301(x), 84 Stat. 290.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 565, 42 Stat. 979. That section was superseded by section 565 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Act June 22, 1874, ch. 391, § 25, 18 Stat. 191, requiring cartage of merchandise in the custody of the government to be let to the lowest responsible bidder, was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer of customs officer for references to the collector of customs or collector wherever appearing therein.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

PART V—ENFORCEMENT PROVISIONS

§ 1581. Boarding vessels

(a) Customs officers

Any officer of the customs may at any time go on board of any vessel or vehicle at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area established under the Anti-Smuggling Act [19 U.S.C. 1701 et seq.], or at any other authorized place, without as well as within his district, and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

(b) Officers of Department of Treasury

Officers of the Department of the Treasury and other persons authorized by such department may go on board of any vessel at any place in the United States or within the customs waters and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the navigation laws.

(c) Penalty for presenting forged, altered, or false documents

Any master of a vessel being examined as herein provided, who presents any forged, altered, or false document or paper to the examining officer, knowing the same to be forged, altered, or false and without revealing the fact shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than $5,000 nor less than $500.

(d) Penalty for failure to stop at command

Any vessel or vehicle which, at any authorized place, is directed to come to a stop by any officer of the customs, or is directed to come to a stop by signal made by any vessel employed in the service of the customs and displaying proper insignia, shall come to a stop, and upon failure to comply a vessel or vehicle so directed to come to a stop shall become subject to pursuit and the master, owner, operator, or person in charge thereof shall be liable to a penalty of not more than $5,000 nor less than $1,000.

(e) Seizure of vessel or merchandise

If upon the examination of any vessel or vehicle it shall appear that a breach of the laws of the United States is being or has been committed so as to render such vessel or vehicle, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel or vehicle, liable to forfeiture or to secure any fine or penalty, the same shall be seized and any person who has engaged in such breach shall be arrested.

(f) Duty of customs officers to seize vessel

It shall be the duty of the several officers of the customs to seize and secure any vessel, vehicle, or merchandise which shall become liable to seizure, and to arrest any person who shall become liable to arrest, by virtue of any law respecting the revenue, as well without as within their respective districts, and to use all necessary force to seize or arrest the same.

(g) Vessels deemed employed within United States

Any vessel, within or without the customs waters, from which any merchandise is being, or has been, unlawfully introduced into the United States by means of any boat belonging to, or owned, controlled, or managed in common with, said vessel, shall be deemed to be employed within the United States and, as such, subject to the provisions of this section.

(h) Application of section to treaties of United States

The provisions of this section shall not be construed to authorize or require any officer of the United States to enforce any law of the United States upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon said vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government.

(June 17, 1930, ch. 497, title IV, § 581, 46 Stat. 747; Aug. 5, 1935, ch. 438, title II, § 203, 49 Stat. 521; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; Sept. 1, 1954, ch. 1213, title V, § 504, 68 Stat. 1141.)

REFERENCES IN TEXT

The Anti-Smuggling Act, referred to in subsec. (a) is act Aug. 5, 1935, ch. 438, 49 Stat. 517, and is classified in part to chapter 5 (§ 1701 et seq.) of this title. For complete classification of this Act to the Code, see References in Text note set out under section 1711 of this title and Tables volume.

The navigation laws, referred to in subsec. (b), are classified generally to Title 33, Navigation and Navigable Waters.

For definition of officer of the customs used in text, see section 1401 of this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act, Sept. 21, 1922, ch. 356, title IV, § 581, 42 Stat. 979. That section was superseded by section 581 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions dealing with the subject matter of this section were contained in R.S. § 3059, conferring powers similar in most respects to those conferred by this section, so far as it relates to vessels, on any officer of the customs, including inspectors and occasional inspectors, or of a revenue cutter, or authorized agent of the Treasury Department, or other persons specially appointed in writing; section 3060, requiring appointments under the preceding section to be filed in the custom house; section 3067, authorizing collectors, etc., and officers of revenue cutters to go on board vessels in port or within four leagues of the coast, for the purpose of demanding manifests, and examining and searching vessels; and section 3069, relative to noting and sealing, if necessary, packages found separate from the residue of the cargo. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1954—Subsec. (d). Act Sept. 1, 1954, provided a penalty against the owner, operator or person in charge, as well as the master, of a vessel failing to come to a required stop and eliminated provisions relating to the duty of the customs officers to pursue such vessels.

1935—Act Aug. 5, 1935 amended section generally among which changes it subdivided the section into subsecs. (a) to (h), inclusive.

TRANSFER OF FUNCTIONS

Word "Treasury" was substituted for "Commerce" in subsection (b) upon authority of Reorg. Plan No. 3 of 1946. See note under section 1613 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1587, 1703 of this title.

§ 1582. Search of persons and baggage; regulations

The Secretary of the Treasury may prescribe regulations for the search of persons and baggage and he is authorized to employ female inspectors for the examination and search of persons of their own sex; and all persons coming into the United States from foreign countries shall be liable to detention and search by authorized officers or agents of the Government under such regulations.

(June 17, 1930, ch. 497, title IV, § 582, 46 Stat. 748.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. § 3064, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 582, 42 Stat. 979, and was repealed by section 642 thereof. Section 582 of the 1922 Act was superseded by section 582 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

§ 1583. Certification of manifest

The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or Coast Guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the original manifest to the inspection thereof and return the same to the master or other person in charge.

(June 17, 1930, ch. 497, title IV, § 583, 46 Stat. 748; Aug. 2, 1956, ch. 887, § 4(c), 70 Stat. 948.)

PRIOR PROVISIONS

Prior provisions for the production and certification of manifests were contained in R.S. §§ 2811, 2812 and 2813, all of which were superseded by Act Sept. 21, 1922, ch. 356, title IV, § 583, 42 Stat. 979, and repealed by section 642 thereof. Section 583 of the 1922 Act was superseded by section 583 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1956—Act Aug. 2, 1956, eliminated "the back of" in the last sentence preceding "the original manifest".

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655 of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Under the Plan, officers of the customs were officers of the Treasury Department, and the Coast Guard was generally a service in such Department. Said Plan provided that, notwithstanding such transfer of functions, the Coast Guard should continue to operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President directed, as provided in sections 1 and 3 of the Title 14, Coast Guard.

§ 1584. Falsity or lack of manifest; penalties

Any master of any vessel and any person in charge of any vehicle bound to the United States who does not produce the manifest to the officer demanding the same shall be liable to a penalty of $500, and if any merchandise, including sea stores, is found on board of or after having been unladen from such vessel or vehicle which is not included or described in said manifest or does not agree therewith, the master of such vessel or the person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty equal to the value of the merchandise so found or unladen, and any such merchandise belonging or consigned to the master or other officer or to any of the crew of such vessel, or to the owner or person in charge of such vehicle, shall be subject to forfeiture, and if any merchandise described in such manifest is not found on board the vessel or vehicle the master or other person in charge or the owner of such vessel or vehicle shall be subject to a penalty of $500: *Provided*, That if the appropriate customs officer shall be satisfied that the manifest was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was unshipped or discharged except as specified in the report of the master, said penalties shall not be incurred.

If any of such merchandise so found consists of heroin, morphine, cocaine, isonipecaine, or opiate, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $50 for each ounce thereof so found. If any of such merchandise so found consists of smoking opium, opium prepared for smoking, or marihuana, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $25 for each ounce thereof so found. If any of such merchandise so found consists of crude opium, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $10 for each ounce thereof so found. Such penalties shall, notwithstanding the proviso in section 1594 of this title (relating to the immunity of vessels or vehicles used as common carriers), constitute a lien upon such vessel which may be enforced by a libel in rem; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalties and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known, that such narcotic drugs were on board. Clearance of any such vessel may be withheld until such penalties are paid or until a bond, satisfactory to the appropriate customs officer, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law. As used in this paragraph, the terms "opiate" and "marihuana" shall have the same meaning given those terms by sections 802(17) and 802(15), respectively, of title 21.

If any of such merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors for the importation of which into the United States a certificate is required under section 1707 of this title and the required certificate be not shown, be so found upon any vessel not exceeding five hundred net tons, the vessel shall, in addition to any other penalties herein or by law provided, be seized and forfeited, and, if any manifested merchandise (sea stores excepted) consisting of any such spirits, wines, or other alcoholic liquors be found upon any such vessel and the required certificate be not shown, the master of the vessel shall be liable to the penalty herein provided in the case of merchandise not duly manifested: *Provided*, That if the appropriate customs officer shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred.

(June 17, 1930, ch. 497, title IV, § 584, 46 Stat. 748; Aug. 5, 1935, ch. 438, title II, § 204, 49 Stat. 523; July 1, 1944, ch. 377, § 10, 58 Stat. 722; Mar. 8, 1946, ch. 81, § 9, 60 Stat. 39; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287; Oct. 27, 1970, Pub. L. 91-513, title III, § 1102(m), 84 Stat. 1293.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 584, 42 Stat. 980. Section 584 of the 1922 Act was superseded by section 584 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions dealing with the subject-matter of this section were contained in R.S. § 2809, imposing a penalty and providing for forfeiture for bringing in merchandise not included in the manifest, or without a manifest; section 2810, as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 246, making an exception in case of mistake or accident, etc.; section 2814, imposing penalties for failing to produce, or deliver copies of the manifests, etc.; section 2815, requiring officers to report violations; section 2887, imposing a penalty if any package reported was not found, or if the merchandise did not agree with the report or manifest, etc. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector wherever appearing therein.

Par. (2). Pub. L. 91-513 struck out "isonipecaine" from the list of defined substances and substituted sections 802(17) and 802(15) of title 21 for sections 3228(e), 3228(f), and 3238(b) of title 26 as the sections where the definitions referred to are to be found.

1946—Par. (2). Act Mar. 8, 1946, deleted "or" preceding "isonipecaine" and inserted "or opiate", following "isonipecaine" in the first sentence, inserted "opiate" following "isonipecaine" and inserted "3228(f)" in last sentence.

1944—Par. (2). Act July 1, 1944, deleted "or" preceding "cocaine," and inserting "or isonipecaine" following "cocaine" in first sentence, struck "or" preceding "or opium prepared" and inserted a comma in lieu thereof, inserted "or Marihuana" following "prepared for smoking" in second sentence, and added last sentence.

1935—Act Aug. 5, 1935, affected second paragraph of section and added last paragraph.

EFFECTIVE DATE OF 1970 AMENDMENTS

Amendment by Pub. L. 91-513 effective on the first day of the seventh calendar month that begins after Oct. 26, 1970, see section 1105(a) of Pub. L. 91-513, set out as an Effective Date note under section 951 of Title 21, Food and Drugs.

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunctive proceedings commenced, prior to the effective date of amendment of this section by section 1102 of Pub. L. 91-513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91-513, set out as Savings Provision note under section 171 of Title 21, Food and Drugs.

CROSS REFERENCES

Contraband articles, seizure and forfeiture of vessels carrying, see section 781 et seq., of Title 49, Transportation.

Entry of goods by means of false statements, punishment, see section 542 of Title 18, Crimes and Criminal Procedure.

Narcotic drugs—
- Seizure and forfeiture in connection with violation of revenue laws, see section 7301 of Title 26, Internal Revenue Code.
- Smuggling goods into the United States, punishment, see section 545 of Title 18, Crimes and Criminal Procedure.

§ 1585. Departure before report or entry

If any vessel or vehicle from a foreign port or place arrives within the limits of any collection district and departs or attempts to depart, except from stress of weather or other necessity, without making a report or entry under the provisions of this chapter, or if any merchandise is unladen therefrom before such report or entry, the master of such vessel shall be liable to a penalty of $5,000, and the person in charge of such vehicle shall be liable to a penalty of $500, and any such vessel or vehicle shall be forfeited, and any officer of the customs may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States.

(June 17, 1930, ch. 497, title IV, § 585, 46 Stat. 749; Aug. 5, 1935, ch. 438, title III, § 303, 49 Stat. 527.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 585, 42 Stat. 980. That section was superseded by section 585 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions somewhat similar in effect to those of this section, but not referring to unlading were contained in R.S. § 2773, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1935—Act Aug. 5, 1935, substituted "shall be forfeited, and any officer of the customs may" for "shall be subject to forfeiture, and any customs or Coast Guard officer may".

CROSS REFERENCES

Entry after visiting hovering vessel at arrival, see section 1432a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1432a of this title.

§ 1586. Unlawful unlading or transshipment

(a) Penalty for unlading prior to grant of permission

The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) to be unladen from such vessel at any time after its arrival within the customs waters and before such vessel has come to the proper place for the discharge of such merchandise, and before he has received a permit to unlade, shall be liable to a penalty equal to twice the value of the merchandise but not less than $1,000, and such vessel and its cargo and the merchandise so unladen shall be seized and forfeited.

(b) Penalty for transshipment to any vessel for purpose of unlawful entry

The master of any vessel from a foreign port or place who allows any merchandise (including sea stores), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen from his vessel at any place upon the high seas adjacent to the customs waters of the United States to be transshipped to or placed in or received on any vessel of any description, with knowledge, or under circumstances indicating the purpose to render it possible, that such merchandise, or any part thereof, may be introduced, or attempted to be introduced, into the United States in violation of law, shall be liable to a penalty equal to twice the value of the merchandise but not less than $1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

(c) Penalty for unlawful transshipment to any vessel of United States

The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) destined to the United States, the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen, without permit to unlade, at any place upon the high seas adjacent to the customs waters of the United States, to be transshipped to or placed in or received on any vessel of the United States or any other vessel which is owned by any person a citizen of, or domiciled in, the United States, or any corporation incorporated in the United States, shall be liable to a penalty equal to twice the value of the merchandise but not less than $1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

(d) Liability of master of receiving vessel in unlawful transshipment

If any merchandise (including sea stores) unladen in violation of the provisions of this section is transshipped to or placed in or received on any other vessel, the master of the vessel on which such merchandise is placed, and any person aiding or assisting therein, shall be liable to a penalty equal to twice the value of the merchandise, but not less than $1,000, and such vessel, and its cargo and such merchandise, shall be seized and forfeited.

(e) Imprisonment of persons aiding in unlawful unlading or transshipment

Whoever, at any place, if a citizen of the United States, or at any place in the United States or within one league of the coast of the United States, if a foreign national, shall engage or aid or assist in any unlading or transshipment of any merchandise in consequence of which any vessel becomes subject to forfeiture under the provisions of this section shall, in addition to any other penalties provided by law, be liable to imprisonment for not more than two years.

(f) Unlading or transshipment because of accident, stress of weather, etc.

Whenever any part of the cargo or stores of a vessel has been unladen or transshipped because of accident, stress of weather, or other necessity, the master of such vessel and the master of any vessel to which such cargo or stores has been transshipped shall, as soon as possible thereafter, notify the appropriate customs officer of the district within which such unlading or transshipment has occurred, or the appropriate customs officer within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unlading or transshipment was made necessary by accident, stress of weather, or other unavoidable cause, and if the appropriate customs officer is satisfied that the unlading or transshipment was in fact due to accident, stress of weather, or other necessity, the penalties described in this section shall not be incurred.

(June 17, 1930, ch. 497, title IV, § 586, 46 Stat. 749; Aug. 5, 1935, ch. 438, title II, § 205, 49 Stat. 524; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, §§ 586, 587, 42 Stat. 980, 981. These sections were superseded by section 586 of the Tariff Act of 1930, comprising this section, and were repealed by section 651(a)(1) of the 1930 Act.

Provisions somewhat similar to those of this section, but applicable only to vessels "bound to the United States" were contained in R.S. § 2867, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Provisions substantially the same in effect as those contained in the Act of 1922, § 587, except that the penalty was treble the value of the merchandise, and the provision for forfeiture applied only to the vessel was contained in R.S. § 2868, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

Amendments

1970—Subsec. (f). Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector wherever appearing therein.

1935—Act Aug. 5, 1935, divided existing provisions into subsecs. (a) and (f) and added subsecs. (b) to (e).

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

Cross References

Entry after visiting hovering vessel at arrival, see section 1432a of this title.

Felony and misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

Section Referred to in Other Sections

This section is referred to in section 1432a of this title.

§ 1587. Examination of hovering vessels

(a) Boarding and examination

Any hovering vessel, or any vessel which fails (except for unavoidable cause), at any place within the customs waters or within a customs-enforcement area established under the Anti-Smuggling Act [19 U.S.C. 1701 et seq.], to display lights as required by law, or which has become subject to pursuit as provided in section 1581 of this title, or which, being a foreign vessel to which subsection (h) of section 1581 of this title applies, is permitted by special arrangement with a foreign government to be so examined without the customs waters of the United States, may at any time be boarded and examined by any officer of the customs, and the provisions of said section 1581 shall apply thereto, as well without as within his district, and in examining the same, any such officer may also examine the master upon oath respecting the cargo and voyage of the vessel, and may also bring the vessel into the most convenient port of the United States to examine the cargo, and if the master of said vessel refuses to comply with the lawful directions of such officer or does not truly answer such questions as are put to him respecting the vessel, its cargo, or voyage, he shall be liable to a penalty of not more than $5,000 nor less than $500. If, upon the examination of any such vessel or its cargo by any officer of the customs, any dutiable merchandise destined to the United States is found, or discovered to have been, on board thereof, the vessel and its cargo shall be seized and forfeited. It shall be presumed that any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, so found, or discovered to have been, on board thereof, is destined to the United States.

(b) Unexplained lightness of vessel or discharge of cargo

If any vessel laden with cargo be found at any place in the United States or within the customs waters or within a customs-enforcement area established under the Anti-Smuggling Act [19 U.S.C. 1701 et seq.] and such vessel afterwards is found light or in ballast or having discharged its cargo or any part thereof, and the master is unable to give a due account of the port or place at which the cargo, or any part thereof, consisting of any merchandise the importation of which into the United States is prohibited or any spirits, wines, or other alcoholic liquors, was lawfully discharged, the vessel shall be seized and forfeited.

(c) Vessel bona fide bound from one foreign port to another foreign port

Nothing contained in this section shall be construed to render any vessel liable to forfeiture which is bona fide bound from one foreign port to another foreign port, and which is pursuing her course, wind and weather permitting.

(June 17, 1930, ch. 497, title IV, § 587, 46 Stat. 749; Aug. 5, 1935, ch. 438, title II, § 206, 49 Stat. 525.)

References in Text

The Anti-Smuggling Act, referred to in subsecs. (a) and (b), is act Aug. 5, 1935, ch. 438, 49 Stat. 517, and is classified in part to chapter 5 (§ 1701 et seq.) of this title. For complete classification of this Act to the Code, see References in Text note set out under section 1711 of this title and Tables volume.

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 588, 42 Stat. 981. That section was superseded by section 588 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions substantially the same as those of this section, except that they applied only to ports on the northern, northeastern and northwestern frontiers, were contained in R.S. § 3110, which was repealed by Act Sept. 21, 1922, ch. 356, Title IV, § 642, 42 Stat. 989.

§ 1588. Transportation between American ports via foreign ports

If any merchandise is laden at any port or place in the United States upon any vessel belonging wholly or in part to a subject of a foreign country, and is taken thence to a foreign port or place to be reladen and reshipped to any other port in the United States, either by the same or by another vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port or place of the United States to another port or place of the United States in a vessel belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such last-named port or place, be seized and forfeited to the United States, and the vessel shall pay a tonnage duty of 50 cents per net ton.

(June 17, 1930, ch. 497, title IV, § 588, 46 Stat. 749.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1554 of this title.

§§ 1589 to 1591. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section 1589, act June 17, 1930, ch. 497, title IV, § 589, 46 Stat. 750, related to unlawful relanding and is now covered by section 544 of Title 18, Crimes and Criminal Procedure.

Section 1590, act June 17, 1930, ch. 497, title IV, § 590, 46 Stat. 750, related to false drawback claims and is now covered by section 550 of Title 18.

Section 1591, acts June 17, 1930, ch. 497, title IV, § 591, 46 Stat. 750; Aug. 5, 1935, ch. 438, title III, § 304(a), 49 Stat. 527, related to fraud and personal penalties and is now covered by section 542 of Title 18.

§ 1592. Penalty against goods

If any consignor, seller, owner, importer, consignee, agent, or other person or persons enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or makes any false statement in any declaration under the provisions of section 1485 of this title (relating to declaration on entry) without reasonable cause to believe the truth of such statement, or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, whether or not the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement; or is guilty of any willful act or omission by means whereof the United States is or may be deprived of the lawful duties or any portion thereof accruing upon the merchandise or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from such person or persons, shall be subject to forfeiture, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates. The arrival within the territorial limits of the United States of any merchandise consigned for sale and remaining the property of the shipper or consignor, and the acceptance of a false or fraudulent invoice thereof by the consignee or the agent of the consignor, or the existence of any other facts constituting an attempted fraud, shall be deemed, for the purposes of this section, to be an attempt to enter such merchandise notwithstanding no actual entry has been made or offered.

(June 17, 1930, ch. 497, title IV, § 592, 46 Stat. 750; Aug. 5, 1935, ch. 438, title III, § 304(b), 49 Stat. 527.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Oct. 3, 1913, ch. 16, § III, H, 38 Stat. 183, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 592, 42 Stat. 982, and was repealed by section 643 thereof. Section 592 of the 1922 Act was superseded by section 592 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

The provisions of section III, H, of the Act of 1913, were substituted for provisions of the same nature made by the Customs Administrative Act of June 10, 1890, ch. 407, §§ 6, 9, 26 Stat. 134, 135, amended and reenacted by Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 95, 97.

Those provisions superseded similar provisions made by R.S. § 2864, as amended by Act Feb. 18, 1875, ch. 80, 18 Stat. 319, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

R.S. § 2839 provided for forfeiture of merchandise entered, but not invoiced according to the actual cost at the place of exportation, with the design to evade payment of duty. It was repealed by the Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, and provisions of a similar nature were made by section 9 of that act, amended by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 97, and further amended by the Underwood Tariff Act of Oct. 3, 1913, ch. 16, § III, H, 38 Stat. 183.

Act June 22, 1874, ch. 391, § 16, 18 Stat. 189, requiring special findings as to fraud in actions, etc., to enforce forfeitures, etc., was repealed by Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141.

AMENDMENTS

1935—Act Aug. 5, 1935, inserted "whether or not the United States shall or may be deprived of the lawful duties, or any portion thereof, accuring upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement;".

§ 1593. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, act June 17, 1930, ch. 497, title IV, § 593, 46 Stat. 751, related to smuggling and clandestine importations and is now covered by section 545 of Title 18, Crimes and Criminal Procedure.

§ 1594. Libel of vessels and vehicles

Whenever a vessel or vehicle, or the owner or master, conductor, driver, or other person in charge thereof, has become subject to a penalty for violation of the customs-revenue laws of the United States, such vessel or vehicle shall be held for the payment of such penalty and may be seized and proceeded against summarily by libel to recover the same: *Provided,* That no vessel or vehicle used by any person as a common carrier in the transaction of business as such common carrier shall be so held or subject to seizure or forfeiture under the customs laws, unless it shall appear that the owner or master of such vessel or the conductor, driver, or other person in charge of such vehicle was at the time of the alleged illegal act a consenting party or privy thereto.

(June 17, 1930, ch. 497, title IV, § 594, 46 Stat. 751.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

PRIOR PROVISIONS

Provisions substantially similar to the first clause of this section, so far as it relates to vessels, except that they referred to the "revenue laws," instead of the "customs-revenue laws," were contained in R.S. § 3088. Provisions substantially similar to the proviso, so far as it relates to vessels, were contained in Act Feb. 8, 1881, ch. 34, 21 Stat. 322. Provisions similar to the proviso, except that they applied to railway cars, engines, other vehicles, and teams, and referred to the owner, superintendent, or agent of the owner in charge, instead of the "conductor, driver," etc., were contained in R.S. § 3063. All of these sections were superseded and more closely assimilated to this section by Act Sept. 21, 1922, ch. 356, title IV, § 594, 42 Stat. 982, and repealed by sections 642 and 643 thereof. Section 594 of the 1922 Act was superseded by section 594 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1595a of this title.

§ 1595. Searches and seizures

(a) Warrant

If any officer or person authorized to make searches and seizures shall have cause to suspect the presence in any dwelling house, store, or other building or place of any merchandise upon which the duties have not been paid, or which has been otherwise brought into the United States contrary to law, he may make application, under oath, to any justice of the peace, to any municipal, county, State, or Federal judge, or to any United States magistrate, and shall thereupon be entitled to a warrant to enter such dwelling house in the daytime only, or such store or other place at night or by day, and to search for and seize such merchandise: *Provided*, That if any such house, store, or other building, or place in which such merchandise shall be found, is upon or within ten feet of the boundary line between the United States and a foreign country, such portion thereof as is within the United States may forthwith be taken down or removed.

(b) Entry upon property of others

Any person authorized by this chapter to make searches and seizures, or any person assisting him or acting under his directions, may, if deemed necessary by him or them, enter into or upon or pass through the lands, inclosures, and buildings, other than the dwelling house, of any person whomsoever, in the discharge of his official duties.

(June 17, 1930, ch. 497, title IV, § 595, 46 Stat. 752; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118; June 2, 1970, Pub. L. 91-271, title III, § 301(y), 84 Stat. 290.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 595, 42 Stat. 983. That section was superseded by section 595 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions somewhat similar to those in subdivision (a), but authorizing searches in the daytime only, with a further provision as to forfeitures, were contained in R.S. § 3066, as amended by Act Apr. 25, 1882, ch. 89, 22 Stat. 49. Provisions for searches of buildings on or near the boundary line, and for seizure and forfeiture of merchandise, and removal of the building, were contained in R.S. § 3107. Provisions empowering persons, authorized to make searches and seizures, to enter into or upon lands, inclosures, and buildings, were contained in R.S. § 3065. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

R.S. § 3091, authorized the issuance of a warrant, upon complaint and affidavit of fraud on the revenue, directing the marshal of the district to enter any place and seize books or papers relating to merchandise in respect to which the alleged fraud was committed, and produce them before the judge.

R.S. § 3092, provided that no warrant for such seizure should be issued unless the complaint should set forth the character of the fraud alleged, its nature, the importations in respect to which it was committed, and the papers to be seized, and required the return of such warrant as other warrants are returned.

R.S. § 3093, provided that books and papers so seized should be subject to the order of the judge, who should allow the examination of the same by the collector or any officer authorized by him, and authorized the retention by the judge of such books and papers as he might deem necessary.

The provisions of Act July 18, 1866, § 39, and of Act Mar. 2, 1867, § 2, which were incorporated into these three sections, were repealed by the Anti-Moiety Act of June 22, 1874, ch. 391, § 1, 18 Stat. 186. These sections were repealed, therefore, by that act, it having effect as subsequent to the Revised Statutes, and as repealing any portion of the revision inconsistent therewith, by virtue of R.S. § 5601.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-271 struck out "collector of customs or other" preceding "officer or person".

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

CROSS REFERENCES

Depositing goods in buildings on boundary, penalty for, see section 547 of Title 18, Crimes and Criminal Procedure.

§ 1595a. Forfeitures; penalty for aiding unlawful importation

(a) Except as specified in the proviso to section 1594 of this title, every vessel, vehicle, animal, aircraft, or other thing used in, to aid in, or to facilitate, by obtaining information or in any other way, the importation, bringing in, unlading, landing, removal, concealing, harboring, or subsequent transportation of any article which is being or has been introduced, or attempted to be introduced, into the United States contrary to law, whether upon such vessel, vehicle, animal, aircraft, or other thing or otherwise, shall be seized and forfeited together with its tackle, apparel, furniture, harness, or equipment.

(b) Every person who directs, assists financially or otherwise, or is in any way concerned in any unlawful activity mentioned in the preceding subsection shall be liable to a penalty equal to the value of the article or articles introduced or attempted to be introduced.

(June 17, 1930, ch. 497, title IV, § 596, as added Sept. 1, 1954, ch. 1213, title V, § 502, 68 Stat. 1140.)

§§ 1596 to 1598. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section 1596, act June 17, 1930, ch. 497, title IV, § 596, 46 Stat. 752, related to buildings on boundary and is now covered by section 547 of Title 18, Crimes and Criminal Procedure.

Section 1597, act June 17, 1930, ch. 497, title IV, § 597, 46 Stat. 751, related to fraudulent treatment of goods in warehouses, and is now covered by section 548 of Title 18.

Section 1598, acts June 17, 1930, ch. 497, title IV, § 598, 46 Stat. 752; June 25, 1938, ch. 679, § 26, 52 Stat. 1089, related to offenses concerning seals and unlawful removal of goods from custom custody and is now covered by section 549 of Title 18.

§ 1599. Officers not to be interested in vessels or cargo

No person employed under the authority of the United States, in the collection of duties on imports or tonnage, shall own, either in whole or in part, any vessel, or act as agent, attorney, or consignee for the owner or owners of any vessel, or of any cargo or lading on board the same; nor shall any such person import, or be concerned directly or indirectly in the importation of, any merchandise for sale into the United States. Every person who violates this section shall be liable to a penalty of $500.

(June 17, 1930, ch. 497, title IV, § 599, 46 Stat. 753.)

PRIOR PROVISIONS

Identical provisions were contained in R.S. § 2638, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 599, 42 Stat. 984, and was repealed by section 642 thereof. Section 599 of the 1922 Act was superseded by section 599 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

§§ 1600 to 1601a. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section 1600, act June 17, 1930, ch. 497, title IV, § 600, 46 Stat. 753, related to gratuities, and is now covered by section 213 of Title 18, Crimes and Criminal Procedure.

Section 1601, act June 17, 1930, ch. 497, title IV, § 601, 46 Stat. 753, related to bribery, and is now covered by section 212 of Title 18.

Section 1601a, act Aug. 5, 1935, ch. 438, title III, § 309, 49 Stat. 528, related to wearing of uniform or badge of Coast Guard or Customs Service while violating revenue laws, and is now covered by sections 702, 703, and 912 of Title 18.

§ 1602. Seizure; report to customs officer

It shall be the duty of any officer, agent, or other person authorized by law to make seizures of merchandise or baggage subject to seizure for violation of the customs laws, to report every such seizure immediately to the appropriate customs officer for the district in which such violation occurred, and to turn over and deliver to such customs officer any vessel, vehicle, merchandise, or baggage seized by him, and to report immediately to such customs officer every violation of the customs laws.

(June 17, 1930, ch. 497, title IV, § 602, 46 Stat. 754; June 2, 1970, Pub. L. 91-271, title III, § 301(z), 84 Stat. 290.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 602, 42 Stat. 984. That section was superseded by section 602 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions requiring officers or persons employed in the customs revenue service, upon detection of any violation of the customs laws, to make complaint to the collector, were contained in Act June 22, 1874, ch. 391, § 15, 18 Stat. 189, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer or such customs officer for references to the collector wherever appearing therein.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1603. Seizure; customs officer's reports

Whenever a seizure of merchandise for violation of the customs laws is made, or a violation of the customs laws is discovered, and legal proceedings by the United States attorney in connection with such seizure or discovery are required, it shall be the duty of the appropriate customs officer to report such seizure or violation to the United States attorney for the district in which such violation has occurred, or in which such seizure was made, and to include in such report a statement of all the facts and circumstances of the case within his knowledge, with the names of the witnesses and a citation to the statute or statutes believed to have been violated, and on which reliance may be had for forfeiture or conviction.

(June 17, 1930, ch. 497, title IV, § 603, 46 Stat. 754; June 25, 1938, ch. 679, § 27, 52 Stat. 1089; June 2, 1970, Pub. L. 91-271, title III, § 301(aa), 84 Stat. 291.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 603, 42 Stat. 984. That section was superseded by section 603 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

A prior provision requiring the collector or other person causing a seizure to be made to give information thereof to the Solicitor of the Treasury, was contained in R.S. § 3083, as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 247. R.S. § 3084 required collectors to report to the district attorney of the district in which any fine, penalty, or forfeiture might be incurred, a statement of all the facts and circumstances. Officers of customs detecting violations of the customs laws were required to report to the collectors, and the latter were required to report to the district attorneys, by Act June 22, 1874, ch. 391, § 15, 18 Stat. 189. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, §§ 642, 643, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector or the principal local officer of the Customs Agency Service.

1938—Act June 25, 1938, amended section generally.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note under section 1401 of this title.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Customs Service is under the Department of the Treasury.

§ 1604. Seizure; prosecution

It shall be the duty of every United States attorney immediately to inquire into the facts of cases reported to him by customs officers and the laws applicable thereto, and if it appears probable that any fine, penalty, or forfeiture has been incurred by reason of such violation, for the recovery of which the institution of proceedings in the United States district court is necessary, forthwith to cause the proper proceedings to be commenced and prosecuted, without delay, for the recovery of such fine, penalty, or forfeiture in such case provided, unless, upon inquiry and examination, such United States attorney decides that such proceedings can not probably be sustained or that the ends of public justice do not require that they should be instituted or prosecuted, in which case he shall report the facts to the Secretary of the Treasury for his direction in the premises.

(June 17, 1930, ch. 497, title IV, § 604, 46 Stat. 754; June 25, 1948, ch. 646, § 1, 62 Stat. 869; June 2, 1970, Pub. L. 91-271, title III, § 301(bb), 84 Stat. 291.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 604, 42 Stat. 984. That section was superseded by section 604 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions substantially similar in effect, with a further provision for an allowance for expenses and services, were contained in R.S. § 3085. Provisions requiring district attorneys to cause investigations to be made before a United States commissioner and to initiate and prosecute proper proceedings to recover fines and penalties were contained in Act June 22, 1874, ch. 391, § 15, 18 Stat. 189. Both of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, §§ 642, 643, 42 Stat. 989.

This Act of 1922 also superseded a provision contained in R.S. § 3087, requiring collectors to cause suits to be commenced without delay and prosecuted to effect.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to customs officers for reference to collectors.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "United States district attorney" and "district attorney". See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Note thereunder.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

CROSS REFERENCES

Limitations of suits for recovery of penalties and forfeitures, see section 1621 of this title.

§ 1605. Seizure; custody; storage

All vessels, vehicles, merchandise, and baggage seized under the provisions of the customs laws, or laws relating to the navigation, registering, enrolling or licensing, or entry or clearance, of vessels, unless otherwise provided by law, shall be placed and remain in the custody of the appropriate customs officer for the district in which the seizure was made to await disposition according to law.

Pending such disposition, the property shall be stored in such place as, in the customs officer's opinion, is most convenient and appropriate with due regard to the expense involved, whether or not the place of storage is within the judicial district or the customs collection district in which the property was seized; and storage of the property outside the judicial district or customs collection district in which it was seized shall in no way affect the jurisdiction of the court which would otherwise have jurisdiction over such property.

(June 17, 1930, ch. 497, title IV, § 605, 46 Stat. 754; Sept. 1, 1954, ch. 1213, title V, § 505, 68 Stat. 1141; June 2, 1970, Pub. L. 91-271, title III, § 301(cc), 84 Stat. 291.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 605, 42 Stat. 985. That section was superseded by section 605 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions substantially similar to those of this section so far as it relates to merchandise or property seized under the customs laws, were contained in R.S. § 3086, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer or customs officer for references to the collector wherever appearing therein.

1954—Act Sept. 1, 1954, permitted the collector of seized property to store it in such places as he considers convenient or appropriate, whether within or without the judicial district in which it was seized, without affecting the jurisdiction of the court over such property.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1606. Seizure; appraisement

The appropriate customs officer shall determine the domestic value, at the time and place of appraisement, of any vessel, vehicle, merchandise, or baggage seized under the customs laws.

(June 17, 1930, ch. 497, title IV, § 606, 46 Stat. 754; June 2, 1970, Pub. L. 91-271, title III, § 301(dd), 84 Stat. 291.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 606, 42 Stat. 985. That section was superseded by section 606 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions for appraisement of property seized under the customs laws, or laws relating to the registering, enrolling or licensing of vessels, were contained in R.S. § 3074, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted "appropriate customs officer shall" for "collector shall require the appraiser to".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1612, 1614 of this title.

§ 1607. Seizure; value $2,500 or less

If such value of such vessel, vehicle, merchandise, or baggage does not exceed $2,500, the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. For the purposes of this section and sections 1610 and 1612 of this title merchandise the importation of which is prohibited shall be held not to exceed $2,500 in value.

(June 17, 1930, ch. 497, title IV, § 607, 46 Stat. 754; June 25, 1938, ch. 679, § 28(a), 52 Stat. 1089; Sept. 1, 1954, ch. 1213, title V, § 506, 68 Stat. 1141; June 2, 1970, Pub. L. 91-271, title III, § 301(ee), 84 Stat. 291.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 607, 42 Stat. 985. That section was superseded by section 607 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Prior provisions for publication or posting of notice of seizure, requiring claimants to appear and file their claim, when the appraised value did not exceed $500, were contained in R.S. § 3075, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector, and struck out reference to the appraiser's return of value.

1954—Act Sept. 1, 1954, substituted "$2,500" for "$1,000" wherever appearing.

1938—Act June 25, 1938, substituted "forfeit and sell or otherwise dispose of the same according to law" for "forfeit and sell the same".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note under section 1401 of this title.

§ 1608. Seizure; claims; judicial condemnation

Any person claiming such vessel, vehicle, merchandise, or baggage may at any time within twenty days from the date of the first publication of the notice of seizure file with the appropriate customs officer a claim stating his interest therein. Upon the filing of such claim, and the giving of a bond to the United States in the penal sum of $250, with sureties to be approved by such customs officer, conditioned that in case of condemnation of the articles so claimed the obligor shall pay all the costs and expenses of the proceedings to obtain such condemnation, such customs officer shall transmit such claim and bond, with a duplicate list and description of the articles seized, to the United States attorney for the district in which seizure was made, who shall proceed to a condemnation of the merchandise or other property in the manner prescribed by law.

(June 17, 1930, ch. 497, title IV, § 608, 46 Stat. 755; June 2, 1970, Pub. L. 91-271, title III, § 301(e), 84 Stat. 288.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in R.S. § 3076, which was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 608, 42 Stat. 985, and was repealed by section 642 thereof. Section 608 of the 1922 Act was superseded by section 608 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer or such customs officer for references to the collector wherever appearing therein.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1609. Seizure; summary of forfeiture and sale

If no such claim is filed or bond given within the twenty days hereinbefore specified, the appropriate customs officer shall declare the vessel, vehicle, merchandise, or baggage forfeited, and shall sell the same at public auction in the same manner as merchandise abandoned to the United States is sold, or otherwise dispose of the same according to law and shall deposit the proceeds of sale, after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States.

(June 17, 1930, ch. 497, title IV, § 609, 46 Stat. 755; June 25, 1938, ch. 679, § 28(b), 52 Stat. 1089; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 609, 42 Stat. 985. That section was superseded by section 609 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions for sale of the property by the collector if no claim should be filed or bond given, were contained in R.S. § 3077, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

1938—Act June 25, 1938, added "or otherwise dispose of the same according to law" after "in the same manner as merchandise abandoned to the United States is sold".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note under section 1401 of this title.

CROSS REFERENCES

Destruction of forfeited vessels, see section 1705 of this title.

§ 1610. Seizure; value more than $2,500

If the value of any vessel, vehicle, merchandise, or baggage so seized is greater than $2,500, the appropriate customs officer shall transmit a report of the case, with the names of available witnesses, to the United States attorney for the district in which the seizure was made for the institution of the proper proceedings for the condemnation of such property.

(June 17, 1930, ch. 497, title IV, § 610, 46 Stat. 755; Sept. 1, 1954, ch. 1213, title V, § 506, 68 Stat. 1141; June 2, 1970, Pub. L. 91-271, title III, § 301(ee), 84 Stat. 291.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 610, 42 Stat. 985. That section was superseded by section 610 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector, and struck out reference to the appraiser's return of value.

1954—Act Sept. 1, 1954, substituted "$2,500" for "$1,000".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1607 of this title.

§ 1611. Seizure; sale unlawful

If the sale of any vessel, vehicle, merchandise, or baggage forfeited under the customs laws in the district in which seizure thereof was made be prohibited by the laws of the State in which such district is located, or if a sale may be made more advantageously in any other district, the Secretary of the Treasury may order such vessel, vehicle, merchandise, or baggage to be transferred for sale in any customs district in which the sale thereof may be permitted. Upon the request of the Secretary of the Treasury, any court may, in proceedings for the forfeiture of any vessel, vehicle, merchandise, or baggage under the customs laws, provide in its decree of forfeiture that the vessel, vehicle, merchandise, or baggage, so forfeited, shall be delivered to the Secretary of the Treasury for disposition in accordance with the provisions of this section. If the Secretary of the Treasury is satisfied that the proceeds of any sale will not be sufficient to pay the costs thereof, he may order a destruction by the customs officers: *Provided*, That any merchandise forfeited under the customs laws, the sale or use of which is prohibited under any law of the United States or of any State, may, in the discretion of the Secretary of the Treasury, be destroyed, or remanufactured into an article that is not prohibited, the resulting article to be disposed of to the profit of the United States only.

(June 17, 1930, ch. 497, title IV, § 611, 46 Stat. 755.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 611, 42 Stat. 985. That section was superseded by section 611 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

§ 1612. Seizure; summary sale

Whenever it appears to the appropriate customs officer that any vessel, vehicle, merchandise, or baggage seized under the customs laws is liable to perish or to waste or to be greatly reduced in value by keeping, or that the expense of keeping the same is disproportionate to the value thereof, and the value of such vessel, vehicle, merchandise, or baggage as determined under section 1606 of this title, does not exceed $2,500, and such vessels, vehicle, merchandise, or baggage has not been delivered under bond, such officer shall, proceed forthwith to advertise and sell the same at auction under regulations to be prescribed by the Secretary of the Treasury. If such value of such vessel, vehicle, merchandise, or baggage exceeds $2,500, such officer shall forthwith transmit the appraiser's return and his report of the seizure to the United States attorney, who shall petition the court to order an immediate sale of such vessel, vehicle, merchandise, or baggage, and if the ends of justice require it the court shall order such immediate sale, the proceeds thereof to be deposited with the court to await the final determination of the condemnation proceedings. Whether such sale be made by the customs officer or by order of the court, the proceeds thereof shall be held subject to claims of parties in interest to the same extent as the vessel, vehicle, merchandise, or baggage so sold would have been subject to such claim.

(June 17, 1930, ch. 497, title IV, § 612, 46 Stat. 756; June 25, 1948, ch. 646, § 1, 62 Stat. 869; Sept. 1, 1954, ch. 1213, title V, § 506, 68 Stat. 1141; June 2, 1970, Pub. L. 91-271, title III, § 301(ff), 84 Stat. 291.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 612, 42 Stat. 986. That section was superseded by section 612 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions concerning the sale of property liable to perish or waste, etc., were contained in R.S. § 3080, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted references to the appropriate customs officer or such officer for references to the collector wherever appearing therein, and struck out references to the appraiser and the appraiser's return of value.

1954—Act Sept. 1, 1954, substituted "$2,500" for "$1,000" wherever appearing.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "United States district attorney". See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Note thereunder.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

CROSS REFERENCES

Destruction of forfeited vessels, see section 1705 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1607 of this title.

§ 1613. Disposition of proceeds of forfeited property

Any person claiming any vessel, vehicle, merchandise, or baggage, or any interest therein, which has been forfeited and sold under the provisions of this chapter, may at any time within three months after the date of sale apply to the Secretary of the Treasury if the forfeiture and sale was under the customs laws, or if the forfeiture and sale was under the navigation laws, for a remission of the forfeiture and restoration of the proceeds of such sale, or such part thereof as may be claimed by him. Upon the production of satisfactory proof that the applicant did not know of the seizure prior to the declaration or condemnation of forfeiture, and was in such circumstances as prevented him from knowing of the same, and that such forfeiture was incurred without any willful negligence or intention to defraud on the part of the applicant, the Secretary of the Treasury may order the proceeds of the sale, or any part thereof, restored to the applicant, after deducting the cost of seizure and of sale, the duties, if any, accruing on the merchandise or baggage, and any sum due on a lien for freight, charges, or contribution in general average that may have been filed. If no application for such remission or restoration is made within three months after such sale, or if the application be denied by the Secretary of the Treasury, the proceeds of sale shall be disposed of as follows:

(1) For the payment of all proper expenses of the proceedings of forfeiture and sale, including expenses of seizure, maintaining the custody of the property, advertising and sale, and if condemned by a decree of a district court and a bond for such costs was not given, the costs as taxed by the court;

(2) For the satisfaction of liens for freight, charges, and contributions in general average, notice of which has been filed with the appropriate customs officer according to law; and

(3) The residue shall be deposited with the Treasurer of the United States as a customs or navigation fine.

(June 17, 1930, ch. 497, title IV, § 613, 46 Stat. 756; June 25, 1938, ch. 679, § 29, 52 Stat. 1089; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

The navigation laws, referred to in text, are classified generally to Title 33, Navigation and Navigable Waters.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 613, 42 Stat. 986. That section was superseded by section 613 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions authorizing applications to the Secretary of the Treasury for remission of forfeitures and restoration of the proceeds of sales, and provisions substantially the same as those in this section concerning the granting of such applications, were contained in R.S. § 3078. R.S. § 3079, provided that if no application was made within three months the proceeds should be distributed in the same manner as if the property had been condemned and sold under a decree of court. R.S. § 3090, as amended by Act Feb. 27, 1877, ch. 69, § 1, 19 Stat. 248, also specified how the proceeds of fines, penalties, and forfeitures incurred under customs laws, should be applied and distributed. All these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

1938—Act June 25, 1938, inserted "and" at end of subd. (2), deleted former subd. (3), and redesignated former subd. (4) as subd. (3).

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note under section 1401 of this title.

TRANSFER OF FUNCTIONS

By Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees, all functions of the Secretary of Commerce relating to the remission and mitigation of fines, penalties and forfeitures incurred for violation of the navigation laws were transferred to the Commandant of the Coast Guard and Commissioner of Customs, subject to the direction and control of the Secretary of the Treasury, except as otherwise required by law with respect to the United States Coast Guard whenever it operates as a part of the Navy.

Accordingly, reference to the Secretary of Commerce was changed to the Secretary of the Treasury. The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655 of Title 49, Transportation.

CROSS REFERENCES

Annual appropriation from the general fund of the Treasury, see section 725a of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1614 of this title.

§ 1614. Release of seized property

If any person claiming an interest in any vessel, vehicle, merchandise, or baggage seized under the provisions of this chapter offers to pay the value of such vessel, vehicle, merchandise, or baggage, as determined under section 1606 of this title, and it appears that such person has in fact a substantial interest therein, the appropriate customs officer may, subject to the approval of the Secretary of the Treasury if under the customs laws or, under the navigation laws, accept such offer and release the vessel, vehicle, merchandise, or baggage seized upon the payment of such value thereof, which shall be distributed in the order provided in section 1613 of this title.

(June 17, 1930, ch. 497, title IV, § 614, 46 Stat. 757; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; June 2, 1970, Pub. L. 91-271, title III, § 301(b), 84 Stat. 287.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

The Navigation laws, referred to in text, are classified generally to Title 33, Navigation and Navigable Waters.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 614, 42 Stat. 987. That section was superseded by section 614 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

A prior provision authorizing collectors, subject to the approval of the Secretary of the Treasury, to release seized merchandise on payment of the appraised value when the appraised value did not exceed $1,000, were contained in R.S. § 3081, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to the appropriate customs officer for reference to the collector.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

Omission of "the Secretary of Commerce" from text under the authority of Reorg. Plan No. 3 of 1946, see Transfer of Functions note set out under section 1613 of this title.

§ 1615. Burden of proof in forfeiture proceedings

In all suits or actions brought for the forfeiture of any vessel, vehicle, merchandise, or baggage seized under the provisions of any law relating to the collection of duties on imports or tonnage, where the property is claimed by any person, the burden of proof shall lie upon such claimant; and in all suits or actions brought for the recovery of the value of any vessel, vehicle, merchandise, or baggage, because of violation of any such law, the burden of proof shall be upon the defendant: *Provided,* That probable cause shall be first shown for the institution of such suit or action, to be judged of by the court, subject to the following rules of proof:

(1) The testimony or deposition of the officer of the customs who has boarded or required to come to a stop or seized a vessel or vehicle, or has arrested a person, shall be prima facie evidence of the place where the act in question occurred.

(2) Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise[1] or containers of merchandise, shall be prima facie evidence of the foreign origin of such merchandise.

(3) The fact that a vessel of any description is found, or discovered to have been, in the vi-

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[1] So in original.

cinity of any hovering vessel and under any circumstances indicating contact or communication therewith, whether by proceeding to or from such vessel, or by coming to in the vicinity of such vessel, or by delivering to or receiving from such vessel any merchandise, person, or communication, or by any other means effecting contact or communication therewith, shall be prima facie evidence that the vessel in question has visited such hovering vessel.

(June 17, 1930, ch. 497, title IV, § 615, 46 Stat. 757; Aug. 5, 1935, ch. 438, title II, § 207, 49 Stat. 525.)

Prior Provisions

Provisions somewhat similar to those of this section were contained in Act Oct. 3, 1913, ch. 16, § III, T, 38 Stat. 189, the provisions of which were originally enacted in the Customs Administrative Act of June 10, 1890, ch. 407, § 21, 26 Stat. 140, and re-enacted by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 101, and amended by the Act of 1913. Section III of the Act of 1913 was superseded by Act Sept. 21, 1922, ch. 356, title IV, § 615, 42 Stat. 987, and was repealed by section 643 thereof. Section 615 of the 1922 Act was superseded by section 615 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Amendments

1935—Act Aug. 5, 1935, inserted a comma in place of a period at the end thereof and added "subject to the following rules of proof" and added subds. (1) to (3).

§ 1616. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, act June 17, 1930, ch. 497, title IV, § 616, 46 Stat. 757, related to prohibition against compromising Government claims, and is now covered by section 1915 of Title 18, Crimes and Criminal Procedure.

§ 1617. Compromise of Government claims by Secretary of Treasury

Upon a report by a customs officer, United States attorney, or any special attorney, having charge of any claim arising under the customs laws, showing the facts upon which such claim is based, the probabilities of a recovery and the terms upon which the same may be compromised, the Secretary of the Treasury is authorized to compromise such claim, if such action shall be recommended by the General Counsel for the Department of the Treasury.

(June 17, 1930, ch. 497, title IV, § 617, 46 Stat. 757; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759; June 25, 1948, ch. 646, § 1, 62 Stat. 869; June 2, 1970, Pub. L. 91-271, title III, § 301(gg), 84 Stat. 291.)

References in Text

The customs laws, referred to in text, are classified generally to this title.

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 617, 42 Stat. 987. That section was superseded by section 617 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Amendments

1970—Pub. L. 91-271 substituted reference to customs officer for reference to the collector and struck out reference to customs agents.

1934—Act May 10, 1934, substituted "General Counsel for the Department of the Treasury" for "Solicitor of the Treasury".

Change of Name

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "district attorney". See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Note thereunder.

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1618. Remission or mitigation of penalties

Whenever any person interested in any vessel, vehicle, merchandise, or baggage seized under the provisions of this chapter, or who has incurred, or is alleged to have incurred, any fine or penalty thereunder, files with the Secretary of the Treasury under the customs laws or under the navigation laws, before the sale of such vessel, vehicle, merchandise, or baggage a petition for the remission or mitigation of such fine, penalty, or forfeiture, the Secretary of the Treasury, if he finds that such fine, penalty, or forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to defraud the revenue or to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine, penalty, or forfeiture, may remit or mitigate the same upon such terms and conditions as he deems reasonable and just, or order discontinuance of any prosecution relating thereto. In order to enable him to ascertain the facts, the Secretary of the Treasury may issue a commission to any customs officer to take testimony upon such petition: *Provided*, That nothing in this section shall be construed to deprive any person of an award of compensation made before the filing of such petition.

(June 17, 1930, ch. 497, title IV, § 618, 46 Stat. 757; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; June 2, 1970, Pub. L. 91-271, title III, § 301(hh), 84 Stat. 291.)

References in Text

The customs laws, referred to in text, are classified generally to this title.

The navigation laws, referred to in text, are classified generally to Title 33, Navigation and Navigable Waters.

Prior Provisions

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 618, 42 Stat. 987. That section was superseded by section 618 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions for a petition to the judge of the district, a summary investigation before the judge or a United States Commissioner, and transmission of the facts appearing thereon, with a certified copy of the evidence, to the Secretary of the Treasury, and provisions authorizing the Secretary to remit fines and penalties, etc., were contained in Act June 22, 1874, ch. 391, §§ 17, 18, 20, 18 Stat. 189, 190, which were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

AMENDMENTS

1970—Pub. L. 91-271 substituted "customs officer" for "customs agent, collector, judge of the United States Customs Court, or United States commissioner".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

TRANSFER OF FUNCTIONS

Omission of "the Secretary of Commerce" from text under the authority of Reorg. Plan No. 3 of 1946, see Transfer of Functions note set out under section 1613 of this title.

§ 1619. Award of compensation to informers

Any person not an officer of the United States who detects and seizes any vessel, vehicle, merchandise, or baggage subject to seizure and forfeiture under the customs laws or the navigation laws, and who reports the same to an officer of the customs, or who furnishes to a United States attorney, to the Secretary of the Treasury, or to any customs officer original information concerning any fraud upon the customs revenue, or a violation of the customs laws or the navigation laws, perpetrated or contemplated, which detection and seizure or information leads to a recovery of any duties withheld, or of any fine, penalty, or forfeiture incurred, may be awarded and paid by the Secretary of the Treasury a compensation of 25 per centum of the net amount recovered, but not to exceed $50,000 in any case, which shall be paid out of any appropriations available for the collection of the revenue from customs. For the purposes of this section an amount recovered under a bail bond shall be deemed a recovery of a fine incurred. If any vessel, vehicle, merchandise, or baggage is forfeited to the United States, and is thereafter, in lieu of sale, destroyed under the customs or navigation laws or delivered to any governmental agency for official use, compensation of 25 per centum of the appraised value thereof may be awarded and paid by the Secretary of the Treasury under the provisions of this section, but not to exceed $50,000 in any case.

(June 17, 1930, ch. 497, title IV, § 619, 46 Stat. 758; Aug. 5, 1935, ch. 438, title III, § 305, 49 Stat. 527; June 25, 1948, ch. 646, § 1, 62 Stat. 869.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

The navigation laws, referred to in text, are classified generally to Title 33, Navigation and Navigable Waters.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 619, 42 Stat. 988. That section was superseded by section 619 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions somewhat similar to those in this section, but applicable in part to any officer of the customs or other person, were contained in Act June 22, 1874, ch. 391, § 4, 18 Stat. 186. Section 3 of that Act required the Secretary of the Treasury to make suitable compensation in certain cases, as thereinafter provided, made an appropriation and required payments to be reported to Congress. Section 6 required claims to compensation to be established to the satisfaction of the court or judge, and required satisfactory proof when the fine, etc., was collected without judicial proceedings. All of these sections were repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

Section 2 of the Act of June 22, 1874, ch. 391, repealed all provisions under which moieties of fines, etc., were paid to informers, etc., and required the proceeds of all fines, penalties, and forfeitures to be paid into the Treasury. This last provision was omitted from the Code as superseded by section 527 of this title. Act Mar. 4, 1907, ch. 2918, § 1, 34 Stat. 1315.

Section 26 of that Act repealed inconsistent laws and saved existing rights. It was omitted from the Code as temporary and executed.

R.S. § 2948, providing that additional duties were not to be deemed fines, etc., for distribution to customs officers, became inoperative by the repeal of all provisions for payment of moieties of fines, etc., to informers or officers, by the Act of June 2, 1874, ch. 391, § 2 and was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

An appropriation for compensation in lieu of moieties was made by Act Mar. 2, 1926, ch. 43, § 1, 44 Stat. 141. Similar appropriations were contained in prior acts.

AMENDMENTS

1935—Act Aug. 5, 1935, inserted "or the navigation laws" following "customs laws", and provisions authorizing award of compensation of 25 per centum of the appraised value, but not to exceed $50,000 in any case.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "district attorney". See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Note thereunder.

§ 1620. Acceptance of money by United States officers

Any officer of the United States who directly or indirectly receives, accepts, or contracts for any portion of the money which may accrue to any person making such detection and seizure, or furnishing such information, shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both, and shall be thereafter ineligible to any office of honor, trust, or emolument. Any such person who pays to any such officer, or to any person for the use of such officer, any portion of such money, or anything of value for or because of such money, shall have a right of action against such officer, or his legal representatives, or against such person, or his legal representatives, and shall be entitled to recover the money so paid or the thing of value so given.

(June 17, 1930, ch. 497, title IV, § 620, 46 Stat. 758.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 620, 42 Stat. 988. That section was superseded by section 620 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions somewhat similar to those in this section but excepting cases of smuggling were contained in Act June 22, 1874, ch. 391, § 7, 18 Stat. 187, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

CROSS REFERENCES

Extortion by officers or employees of the United States, see section 872 of Title 18, Crimes and Criminal Procedure.

Felony and misdemeanor defined, see section 1 of Title 18.

Penalty for customs officers receiving any other or greater fee, compensation, or reward than is allowed by law, see section 60 of this title.

§ 1621. Limitation of actions

No suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs laws shall be instituted unless such suit or action is commenced within five years after the time when the alleged offense was discovered: *Provided*, That the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation.

(June 17, 1930, ch. 497, title IV, § 621, 46 Stat. 758; Aug. 5, 1935, ch. 438, title III, § 306, 49 Stat. 527.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 621, 42 Stat. 988. That section was superseded by section 621 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

Provisions substantially similar to those of this section, except that the period of limitation was three years, were contained in Act June 22, 1874, ch. 391, § 22, 18 Stat. 190, which was repealed by Act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989.

AMENDMENTS

1935—Act Aug. 5, 1935, substituted "the alleged offense was discovered" for "such penalty or forfeiture accrued".

§ 1622. Foreign landing certificates

The Secretary of the Treasury may by regulations require the production of landing certificates in respect of merchandise exported from the United States, or in respect of residue cargo, in cases in which he deems it necessary for the protection of the revenue.

(June 17, 1930, ch. 497, title IV, § 622, 46 Stat. 759.)

§ 1623. Bonds and other security

(a) Requirement of bond by regulation

In any case in which bond or other security is not specifically required by law, the Secretary of the Treasury may by regulation or specific instruction require, or authorize customs officers to require, such bonds or other security as he, or they, may deem necessary for the protection of the revenue or to assure compliance with any provision of law, regulation, or instruction which the Secretary of the Treasury or the Customs Service may be authorized to enforce.

(b) Conditions and form of bond

Whenever a bond is required or authorized by a law, regulation, or instruction which the Secretary of the Treasury or the Customs Service is authorized to enforce, the Secretary of the Treasury may—

(1) Except as otherwise specifically provided by law, prescribe the conditions and form of such bond, and fix the amount of penalty thereof, whether for the payment of liquidated damages or of a penal sum: *Provided*, That when a consolidated bond authorized by paragraph 4 of this subsection is taken, the Secretary of the Treasury may fix the penalty of such bond without regard to any other provision of law, regulation, or instruction.

(2) Provide for the approval of the sureties on such bond, without regard to any general provision of law.

(3) Authorize the execution of a term bond the conditions of which shall extend to and cover similar cases of importations over such period of time, not to exceed one year, or such longer period as he may fix when in his opinion special circumstances existing in a particular instance require such longer period.

(4) Authorize, to the extent that he may deem necessary, the taking of a consolidated bond (single entry or term), in lieu of separate bonds to assure compliance with two or more provisions of law, regulations, or instructions which the Secretary of the Treasury or the Customs Service is authorized to enforce. A consolidated bond taken pursuant to the authority contained in this subsection shall have the same force and effect in respect of every provision of law, regulation, or instruction for the purposes for which it is required as though separate bonds had been taken to assure compliance with each such provision.

(c) Cancellation of bond

The Secretary of the Treasury may authorize the cancellation of any bond provided for in this section, or of any charge that may have been made against such bond, in the event of a breach of any condition of the bond, upon the payment of such lesser amount or penalty or upon such other terms and conditions as he may deem sufficient.

(d) Validity of bond

No condition in any bond taken to assure compliance with any law, regulation, or instruction which the Secretary of the Treasury or the Customs Service is authorized to enforce shall be held invalid on the ground that such condition is not specified in the law, regulation, or instruction authorizing or requiring the taking of such bond.

(e) Deposit of money or obligation of United States in lieu of bond

The Secretary of the Treasury is authorized to permit the deposit of money or obligations of the United States, in such amount and upon such conditions as he may by regulation prescribe, in lieu of sureties on any bond required or authorized by a law, regulation, or instruction which the Secretary of the Treasury or the Customs Service is authorized to enforce.

(June 17, 1930, ch. 497, title IV, § 623, 46 Stat. 759; June 25, 1938, ch. 679, § 30, 52 Stat. 1089; June 2, 1970, Pub. L. 91-271, title III, § 301(ii), 84 Stat. 291.)

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-271 substituted reference to customs officers for reference to collectors of customs.

1938—Act June 25, 1938, amended section generally among other changes adding subsecs. (c) to (e).

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note set out under section 1401 of this title.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Customs Service is under the Department of the Treasury.

§ 1624. General regulations

In addition to the specific powers conferred by this chapter the Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this chapter.

(June 17, 1930, ch. 497, title IV, § 624, 46 Stat. 759.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 623, 42 Stat. 988. That section was superseded by section 624 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

PART VI—MISCELLANEOUS PROVISIONS

§ 1641. Customhouse brokers

(a) Regulations for licensing

The Secretary of the Treasury may prescribe rules and regulations governing the licensing as customhouse brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships, and may require as a condition to the granting of any license, the showing of such facts as he may deem advisable as to the qualifications of the applicant to render valuable service to importers and exporters. No such license shall be granted to any corporation, association, or partnership unless licenses as customhouse brokers have been issued to at least two of the officers of such corporation or association, or two of the members of such partnership, and such licenses are in force. Any license granted to any such corporation, association, or partnership shall be deemed revoked if for any continuous period of more than sixty days after the issuance of such license there are not at least two officers of such corporation or association or two members of such partnership who are qualified to transact business as customhouse brokers. Except as provided in subdivision (c) of this section, no person shall transact business as a customhouse broker without a license granted in accordance with the provisions of this subdivision, but nothing in this section shall be construed to authorize the requiring of a license in the case of any person transacting at a customhouse business pertaining to his own importations.

(b) Revocation or suspension; appeal

The appropriate officer of the customs may at any time, for good and sufficient reasons, serve notice in writing upon any customhouse broker so licensed to show cause why said license shall not be revoked or suspended, which notice shall be in the form of a statement specifically setting forth the ground of complaint. The appropriate officer of customs shall within ten days thereafter notify the customhouse broker in writing of a hearing to be held before him within five days upon said charges. At such hearing the customhouse broker may be represented by counsel, and all proceedings including the proof of the charges and the answer thereto, shall be presented, with the right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the customhouse broker. At the conclusion of such hearing the appropriate officer of customs shall forthwith transmit all papers and the stenographic report of the hearing, which shall constitute the record of the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke or suspend the license of any customhouse broker shown to be incompetent, disreputable, or who has refused to comply with the rules and regulations issued under this section, or who has, with intent to defraud, in any manner willfully and knowingly deceived, misled, or threatened any importer, exporter, claimant, or client, or prospective importer, exporter, claimant, or client, by word, circular, letter or by advertisement.

An appeal may be taken by any licensed customhouse broker from any order of the Secretary of the Treasury suspending or revoking a license. Such appeal shall be taken by filing, in the court of appeals of the United States within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, within sixty days after the entry of such order, a written petition praying that the order of the Secretary of the Treasury be modified or set aside in whole or in part. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary of the Treasury, or any officer designated by him for that purpose, and thereupon the Secretary of the Treasury shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Secretary of the Treasury shall be considered by the court unless such objection shall have been urged before the appropriate officer of customs or unless there were reasonable grounds for failure so to do. The finding of the Secretary of the Treasury as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the appropriate officer of customs, the court may order such additional evidence to be taken before the appropriate officer of customs and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Secretary of the Treasury may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Secretary of the Treasury shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28. The commencement of proceedings under this subsection shall, unless specifically ordered by the court, operate as a stay of the Secretary of the Treasury's order.

(c) Prior licenses

Licenses issued under section 415 of this title or under the provisions of subdivision (a) of this section prior to August 26, 1935, shall continue in force and effect, subject to suspension and revocation as provided in subdivision (b) of this section.

(d) Regulations by Secretary

The Secretary of the Treasury shall prescribe such rules and regulations as he may deem necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section, including rules and regulations requiring the keeping of books, accounts, and records by customhouse brokers, and the inspection thereof, and of their papers, documents, and correspondence by, and the furnishing by them of information relating to their business to, any duly accredited agent of the United States.

(June 17, 1930, ch. 497, title IV, § 641, 46 Stat. 759; Aug. 26, 1935, ch. 689, §§ 3-5, 49 Stat. 864, 865; June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; Aug. 28, 1958, Pub. L. 85-791, § 8, 72 Stat. 945; June 2, 1970, Pub. L. 91-271, title III, § 301(jj), 84 Stat. 291.)

References in Text

Section 415 of this title, referred to in subsec. (c) was repealed by section 641(e) of act June 17, 1930.

Codification

In subsec. (b), "section 1254 of title 28" was substituted for "sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347)" on authority of act June 25, 1948, ch. 646, 62 Stat. 869, the first section of which enacted Title 28, Judiciary and Judicial Procedure.

Prior Provisions

This section relates to the same subject matter as Act June 10, 1910, ch. 283, §§ 1-5, 36 Stat. 464, 465 (incorporated into the Code as former sections 415 to 419 of this title); and those sections were expressly repealed by paragraph (e) of this section which read as follows: "(e) Licenses under Act of June 10, 1910.—The Act entitled 'An Act to license customhouse brokers,' approved June 10, 1910, is hereby repealed, except that any license issued under such Act shall continue in force and effect, subject to suspension and revocation in the same manner and upon the same conditions as licenses issued pursuant to subdivision (a) of this section."

Act June 10, 1910, ch. 283, § 1, 36 Stat. 464, prior to its incorporation into the Code, referred to the collector or chief officer of the customs "at any port of entry or delivery." Ports of delivery, not specifically mentioned as ports of entry, were abolished in the reorganization of the customs service by the President (see notes to section 1 of this title).

Act June 10, 1910, ch. 283, § 3, 36 Stat. 465, prior to its incorporation into the Code, referred to the United States Circuit Court instead of the District Court. Section 291 of the Act of March 3, 1911, provided that any reference, in any law not embraced in that act, to the Circuit Courts, or any power or duty conferred upon them, should be deemed to refer to, and to confer such power and duty upon, the District Courts.

Amendments

1970—Subsec. (b). Pub. L. 91-271 substituted references to the appropriate officer of the customs for references to the collector or chief officer of the customs wherever appearing therein.

1958—Subsec. (b). Pub. L. 85-791 in third sentence of second paragraph, substituted "transmitted by the clerk of the court to" for "served upon", eliminated "upon" preceding "any officer", "certify and" preceding "file in the court", "a transcript of" preceding "the record upon" and inserted "as provided in section 2112 of title 28", and in fourth sentence of second paragraph, substituted "petition" for "transcript".

1935—Subsec. (a). Act Aug. 26, 1935, § 3, substituted "(c)" for "(e)" in last sentence.

Subsecs. (b), (c), and (d). Act Aug. 26, 1935, § 4, amended subsecs. (b), (c), and (d) generally.

Subsec. (e). Act Aug. 26, 1935, § 5, repealed subsec. (e), which related to licenses under the act of June 10, 1910.

Change of Name

Act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, substituted "court of appeals" for "circuit court of appeals".

Effective Date of 1970 Amendment

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1642. Omitted

Codification

In compliance with a request from the President on July 2, 1932, the survey authorized by this section, act June 17, 1930, ch. 497, title IV, § 642, 46 Stat. 760, was made and submitted to the President on February 28, 1933. See Tariff Commission Reports, No. 70, Second Series.

§ 1643. Application of customs reorganization act

The rights, privileges, powers, and duties vested in or imposed upon the Secretary of the Treasury by this chapter shall be subject to the provisions of subdivision (a) of section 2073 of this title.

(June 17, 1930, ch. 497, title IV, § 643, 46 Stat. 761.)

REFERENCES IN TEXT

Subdivision (a) of section 2073 of this title, referred to in the text, was repealed by act Sept. 3, 1954, ch. 1263, § 10, 68 Stat. 1229.

§ 1644. Application of section 177 of title 49

The authority vested by section 177 of title 49 in the Secretary of the Treasury, and in the Commissioner of Customs, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, respectively, shall extend to the application in like manner of any of the provisions of this chapter or of any regulations promulgated hereunder.

(June 17, 1930, ch. 497, title IV, § 644, 46 Stat. 761; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

REFERENCES IN TEXT

Section 177 of title 49, referred to in the text, was repealed by Pub. L. 85-726, title XIV, § 1401(a), Aug. 23, 1958, 72 Stat. 806, and is now covered by section 1509 of Title 49, Transportation.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26, of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of Reorg. Plan No. 3, of 1946, set out in the Appendix to Title 5.

§ 1645. Transportation and interment of remains of deceased employees in foreign countries; travel or shipping expenses incurred on foreign ships

(a) Transfers in foreign countries

The expense of transporting the remains of customs officers and employees who die while in or in transit to foreign countries in the discharge of their official duties, to their former homes in this country for interment, and the ordinary and necessary expenses for such interment, at their posts of duty or at home, are authorized to be paid upon the written order of the Secretary of the Treasury. The expenses authorized by this subdivision shall be paid from the appropriation for the collection of the revenue from customs.

(b) Transportation on foreign ships

Notwithstanding the provisions of section 891r of title 46, or of any other law, any allowance, within the limitations prescribed by law, for travel or shipping expenses incurred on a foreign ship by any officer or employee of the Bureau of Customs or the Customs Service, shall be credited if the Secretary of the Treasury certifies to the Comptroller General that transportation on such foreign ship was necessary to protect the revenue.

(June 17, 1930, ch. 497, title IV, § 645(a), (c), 46 Stat. 761; Aug. 2, 1946, ch. 744, § 2, 60 Stat. 807.)

REFERENCES IN TEXT

Section 891r of title 46, referred to in the text, was repealed by act June 29, 1936, ch. 858, § 903(c), 49 Stat. 2016, but was reenacted in substance by section 901 of that act. See section 1241 of Title 46, Shipping.

CODIFICATION

Section is comprised of subsecs. (a) and (c) of section 645 of act June 17, 1930. Subsec. (b) of section 645 repealed in part section 48 of this title.

AMENDMENTS

1946—Subsec. (a). Act Aug. 2, 1946, eff. Nov. 1, 1946, repealed first sentence relating to traveling expenses of transferred employees, which is now covered by section 5729 of Title 5, Government Organization and Employees.

CHANGE OF NAME

The Bureau of Customs was redesignated the United States Customs Service by Treasury Department Order 165-23, Apr. 4, 1973, 38 F.R. 13037.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of that Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26, of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Bureau of Customs, and the Customs Service, referred to in this section, are under the Treasury Department.

§ 1646. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act June 17, 1930, ch. 497, title IV, § 646, 46 Stat. 762, related to tenure and retirement of judges of United States Court of Customs and Patent Appeals, and is now covered by sections 213, 371, and 372 of Title 28, Judiciary and Judicial Procedure.

§ 1646a. Supervision by customs officers

Wherever in this chapter any action or thing is required to be done or maintained under the supervision of customs officers, such supervision may be direct and continuous or by occasional verification as may be required by regulations of the Secretary of the Treasury, or, in the absence of such regulations for a particular case, as the principal customs officer concerned shall direct.

(June 17, 1930, ch. 497, title IV, § 646, as added Aug. 8, 1953, ch. 397, § 22, 67 Stat. 520.)

EFFECTIVE DATE

Section effective on and after the thirtieth day following Aug. 8, 1953, see Effective Date of 1953 Amendments note set out under section 1304 of this title.

§ 1647. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act June 17, 1930, ch. 497, title IV, § 647, 46 Stat. 762, which repealed that part of section 195 of act Mar. 3, 1911, ch. 231, that read as follows: "in any case in which there is drawn in question the construction of the Constitution of the United States, or any part thereof, or of any treaty made pursuant thereto, or in any other case when the Attorney General of the United States shall, before the decision of the Court of Customs Appeals is rendered, file with the court a certificate to the effect that the case is of such importance as to render expedient its review by the Supreme Court," was repealed by act June 25, 1948, which repealed section 195 of act Mar. 3, 1911, ch. 231.

§ 1648. Uncertified checks, United States notes, and national bank notes receivable for customs duties

Customs officers may receive uncertified checks, United States notes, and circulating notes of national banking associations in payment of duties on imports, during such time and under such rules and regulations as the Secretary of the Treasury shall prescribe; but if a check so received is not paid the person by whom such check has been tendered shall remain liable for the payment of the duties and for all legal penalties and additions to the same extent as if such check had not been tendered.

(June 17, 1930, ch. 497, title IV, § 648, 46 Stat. 762; June 2, 1970, Pub. L. 91-271, title III, § 301(kk), 84 Stat. 291.)

AMENDMENTS

1970—Pub. L. 91-271 substituted reference to customs officers for reference to collectors of customs.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as an Effective Date of 1970 Amendment note under section 1500 of this title.

§ 1649. Change in designation of customs attachés

On and after June 17, 1930, customs attachés shall be known as "Treasury attachés."

(June 17, 1930, ch. 497, title IV, § 649, 46 Stat. 762.)

§ 1650. Transferred

CODIFICATION

Section, act June 17, 1930, ch. 497, title IV, § 650, 46 Stat. 762, is set out as a part of section 2072 of this title.

§ 1651. Repeals

(a) Specific repeals

The following Acts and parts of Acts are repealed, subject to the limitations provided in subdivision (c) of this section:

(1) The Tariff Act of 1922, except that the repeal of sections 304 and 482 (relating to marking of imported articles and to certified invoices, respectively) shall take effect sixty days after the enactment of this chapter;

(2) Section 16 of the Act entitled "An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes", approved June 26, 1884, as amended (relating to supplies for certain vessels);

(3) The Joint Resolution entitled "Joint Resolution Authorizing certain customs officials to administer oaths", approved April 2, 1928; and

(4) Section 2804 of the Revised Statutes, as amended (relating to limitations on importation packages of cigars).

(b) General repeal

All Acts and parts of Acts inconsistent with the provisions of this chapter are repealed.

(c) Rights and liabilities under acts repealed or modified

The repeal of existing laws or modifications or reenactments thereof embraced in this chapter shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal case prior to such repeal, modifications, or reenactments, but all liabilities under such laws shall continue and may be enforced in the same manner as if such repeal, modifications, or reenactments had not been made. All offenses committed and all penalties, under any statute embraced in, or changed, modified, or repealed by this chapter, may be prosecuted and punished in the same manner and with the same effect as if this chapter had not been passed. No Acts of limitation now in force, whether applicable to civil causes and proceedings, or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in, modified, changed, or repealed by this chapter shall be affected thereby so far as they affect any suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to June 18, 1930, which may be commenced and prosecuted within the same time and with the same effect as if this chapter had not been passed.

(d) Certain acts not affected

Nothing in this chapter shall be construed to amend or repeal any of the following provisions of law:

(1) Sections 128, 130, and 131 of this title and section 146 of title 46;

(2) Subsection 2 of paragraph N of Section IV of such Act of October 3, 1913, ch. 16 (relating to the manufacture of alcohol for denaturization only);

(3) Section 296 of title 5 (providing for an Assistant Attorney General in charge of customs matters);

(4) The Act entitled "An Act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the National Prohibition Act, and for other purposes", approved March 3, 1925; nor

(5) The Antidumping Act, 1921 [19 U.S.C. 160 et seq.].

(June 17, 1930, ch. 497, title IV, § 651, 46 Stat. 762.)

REFERENCES IN TEXT

The Tariff Act of 1922, referred to in subsec. (a)(1), is act Sept. 21, 1922, ch. 356, 42 Stat. 858. For classification of this act to the Code, see Tables Volume. Section 304 of that act was classified, prior to its repeal, to sections 132 and 133 of this title, and section 482 of that act was classified, prior to its repeal, to sections 334 to 337, 342, and 343 of this title.

Section 16 of the act approved June 26, 1884, referred to in subsec. (a)(2), is section 16 of act June 26, 1884, ch. 121, 23 Stat. 57, and was classified, prior to its repeal, to section 145 of this title. The subject matter of that section is now covered by section 1309 of this title.

Section 2804 of the Revised Statutes, referred to in subsec. (a)(4), was classified, prior to its repeal, to section 192 of this title.

Subsection 2 of paragraph N of Section IV of act of October 3, 1913, ch. 16, referred to in subsec. (d)(2), was formerly classified to sections 487 and 488 of Title 26, Internal Revenue Code, and was repealed by act Feb. 10, 1939, ch. 2, § 4, 53 Stat. 1.

Section 296 of title 5, referred to in subsec. (d)(3), was repealed in the general revision of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 636. The office of the Assistant Attorney General in charge of customs matters was abolished by Reorg. Plan No. 4 of 1953, § 2, eff. June 20, 1953.

Act of March 3, 1925, referred to in subsec. (d)(4), was repealed by act Aug. 27, 1935, ch. 740, § 308, 49 Stat. 880.

The Antidumping Act, 1921, referred to in subsec. (d)(5), is act May 27, 1921, ch. 14, 42 Stat. 11, which is classified to sections 160 to 171 of this title. For complete classification of this Act to the Code, see section 171 of this title.

PRIOR PROVISIONS

Provisions similar to those of subd. (c) of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 641, 42 Stat. 989. That section was superseded by section 651 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

§ 1652. Separability of provisions

If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(June 17, 1930, ch. 497, title IV, § 652, 46 Stat. 763.)

PRIOR PROVISIONS

Provisions similar to those of this section were contained in Act Sept. 21, 1922, ch. 356, title IV, § 645, 42 Stat. 990. That section was superseded by section 652 of the Tariff Act of 1930, comprising this section, and was repealed by section 651(a)(1) of the 1930 Act.

§ 1653. Effective date of chapter

Except as otherwise provided, this chapter shall take effect on June 18, 1930.

(June 17, 1930, ch. 497, title IV, § 653, 46 Stat. 763.)

§ 1653a. Transferred

CODIFICATION

Section, act June 25, 1938, ch. 679, § 37, 52 Stat. 1094, related to the date of enactment of the Customs Administrative Act of 1938, and is now set out as a note under section 1401 of this title.

Section was not part of Tariff Act of 1930 which constitutes this chapter.

§ 1654. Short title

This chapter may be cited as the "Tariff Act of 1930."

(June 17, 1930, ch. 497, title IV, § 654, 46 Stat. 763.)

CHAPTER 5—SMUGGLING

Sec.
1701. Customs-enforcement area.
  (a) Establishment; extent and duration; enforcement of laws applicable to waters adjacent to customs waters.
  (b) Boarding vessels; arrest and seizure; compliance with treaty provisions; authority of Secretary of Commerce unaffected.
1702. Repealed.
1703. Seizure and forfeiture of vessels.
  (a) Vessels subject to seizure and forfeiture.
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  (c) Acts constituting prima facie evidence vessel engaged in smuggling.
1704. Refusal or revocation of registry, enrollment, license or number on evidence that vessel engaging in smuggling; appeal; immunity from liability.
1705. Destruction of forfeited vessel or vehicle.
1706. Importation in vessels under thirty tons and aircraft; licenses; labels as prima facie evidence of foreign origin of merchandise.
1707. Certificate for importation of alcoholic liquors in small vessels; bond where liquor destined to foreign port; penalty for failure to carry; lost, defaced, or incorrect certificate as relieving from penalty.
1708. Lading vessel in foreign port with liquor for importation.
  (a) Allowing lading without certificate for importation; liability of master.
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1709. Definitions
1710. Separability of provisions.
1711. Citation of chapter.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1581, 1587 of this title.

§ 1701. Customs-enforcement area

(a) Establishment; extent and duration; enforcement of laws applicable to waters adjacent to customs waters

Whenever the President finds and declares that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being or may be occasioned, promoted, or threatened, the place or area so found and declared shall constitute a customs-enforcement area for the purposes of this Act. Only such waters on the high seas shall be within a customs-enforcement area as the President finds and declares are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels. No customs-enforcement area shall include any waters more than one hundred nautical miles from the place or immediate area where the President declares such vessel or vessels are hovering or are being kept and, notwithstanding the foregoing provision, shall not include any waters more than fifty nautical miles outwards from the outer limit of customs waters. Whenever the President finds that, within any customs-enforcement area, the circumstances no longer exist which gave rise to the declaration of such area as a customs-enforcement area, he shall so declare, and thereafter, and until a further finding and declaration is made under this subsection with respect to waters within such area, no waters within such area shall constitute a part of such customs-enforcement area. The provisions of law applying to the high seas adjacent to customs waters of the United States shall be enforced in a customs-enforcement area upon any vessel, merchandise, or person found therein.

(b) Boarding vessels; arrest and seizure; compliance with treaty provisions; authority of Secretary of Commerce unaffected

At any place within a customs-enforcement area the several officers of the customs may go on board of any vessel and examine the vessel and any merchandise or person on board, and bring the same into port, and, subject to regulations of the Secretary of the Treasury, it shall be their duty to pursue and seize or arrest and otherwise enforce upon such vessel, merchandise, or person, the provisions of law which are made effective thereto in pursuance of subsection (a) of this section in the same manner as such officers are or may be authorized or required to do in like case at any place in the United States by virtue of any law respecting the revenue: *Provided,* That nothing contained in this section or in any other provision of law respecting the revenue shall be construed to authorize or to require any officer of the United States to enforce any law thereof upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government: *Provided further,* That none of the provisions of this Act shall be construed to relieve the Secretary of Commerce of any authority, responsibility, or jurisdiction now vested in or imposed on that officer.

(Aug. 5, 1935, ch. 438, title I, § 1, 49 Stat. 517.)

REFERENCES IN TEXT

Word "Act", referred to in text, means act Aug. 5, 1935, which enacted this chapter and sections 1432a and 1601a of this title; amended sections 70, 483, 1401, 1434, 1436, 1441, 1581, 1584, 1585, 1586, 1587, 1591, 1592, 1615, 1619, 1621 of this title; and amended sections 60, 91, 106, 277, 288, 319, 325 of Title 46, Shipping.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Treasury of authority vested in the President by this section, see Ex. Ord. No. 10289, Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

CROSS REFERENCES

Boarding vessels, see section 1581 of this title.

Certain functions of Secretary of Commerce relating to shipping and navigation transferred to Commissioner of Customs and Commandant of the Coast Guard, see note set out under former section 1 of Title 46, Shipping.

Hovering vessel defined, see sections 1401, 1709 of this title.

§ 1702. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, act Aug. 5, 1935, ch. 438, title I, § 2, 49 Stat. 518, related to smuggling into territory of a foreign government, and is now covered by section 546 of Title 18, Crimes and Criminal Procedure.

§ 1703. Seizure and forfeiture of vessels

(a) Vessels subject to seizure and forfeiture

Whenever any vessel which shall have been built, purchased, fitted out in whole or in part, or held, in the United States or elsewhere, for the purpose of being employed to defraud the revenue or to smuggle any merchandise into the United States, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever any vessel which shall be found, or discovered to have been employed, or attempted to be employed, within the United States for any such purpose, or in anywise in assistance thereof, or whenever any vessel of the United States which shall be found, or discovered to have been, employed, or attempted to be employed at any place, for any such purpose, or is anywise in assistance thereof, if not subsequently forfeited to the United States or to a foreign government, is found at any place at which any such vessel may be examined by an officer of the customs in the enforcement of any law respecting the revenue, the said vessel and its cargo shall be seized and forfeited.

(b) "Vessels of the United States"

Every vessel which is documented, owned, or controlled in the United States, and every vessel of foreign registry which is, directly or indirectly, substantially owned or controlled by any citizen of, or corporation incorporated, owned, or controlled in, the United States, shall, for the purposes of this section, be deemed a vessel of the United States.

(c) Acts constituting prima facie evidence vessel engaged in smuggling

For the purposes of this section, the fact that a vessel has become subject to pursuit as provided in section 1581 of this title, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display lights as required by law, shall be prima facie evidence that such vessel is being, or has been, or is attempted to be employed to defraud the revenue of the United States.

(Aug. 5, 1935, ch. 438, title I, § 3, 49 Stat. 518.)

§ 1704. Refusal or revocation of registry, enrollment, license or number on evidence that vessel engaging in smuggling; appeal; immunity from liability

Subject to appeal to the Secretary of the Treasury and under such regulations as he may prescribe, whenever either the collector of customs of the district in which any vessel is, or is sought to be, registered, enrolled, or licensed, or the Commandant of the Coast Guard in the case of any vessel which is, or is sought to be numbered, is shown upon evidence which he deems sufficient that such vessel is being, or is intended to be, employed to smuggle, transport, or otherwise assist in the unlawful introduction or importation into the United States of any merchandise or person, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever, from the design or fittings of any vessel or the nature of any repairs made thereon, it is apparent to such collector or Commandant that such vessel has been built or adapted for the purpose of smuggling merchandise, the said collector or Commandant shall revoke the registry, enrollment, license, or number of said vessel or refuse the same if application be made therefor, as the case may be. Such collector or Commandant and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for carrying out the provisions of this section.

(Aug. 5, 1935, ch. 438, title I, § 4, 49 Stat. 519; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655 of Title 49, Transportation.

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out as a note under section 1 of this title.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of that Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26, of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Under the Plan, collectors of customs, and the Commandant of the Coast Guard, were officers of the Treasury Department, but, in the case of the Coast Guard, and the Commandant thereof, the Plan provided that, notwithstanding the transfer of functions, the Coast Guard should continue to operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President directed, as provided in sections 1 and 3 of Title 14, Coast Guard.

"Secretary of the Treasury" was substituted for "Secretary of Commerce" and provisions of this section relating to the numbering of vessels were changed to show that such functions were vested in the Commandant of the Coast Guard instead of collectors of customs on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5. Specifically, "the Commandant of the Coast Guard in the case of any vessel which is, or is sought to be" was inserted before "numbered" and "or Commandant" was inserted after "collector" in three places.

§ 1705. Destruction of forfeited vessel or vehicle

Any vessel or vehicle forfeited to the United States, whether summarily or by a decree of any court, for violation of any law respecting the revenue, may, in the discretion of the Secretary of the Treasury, if he deems it necessary to protect the revenue of the United States, be destroyed in lieu of the sale thereof under existing law.

(Aug. 5, 1935, ch. 438, title I, § 5, 49 Stat. 519.)

§ 1706. Importation in vessels under thirty tons and aircraft; licenses; labels as prima facie evidence of foreign origin of merchandise

Except into the districts adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port or place, or from any hovering vessel, in any vessel of less than thirty net tons burden without special license granted by the Secretary of the Treasury under such conditions as he may prescribe, nor in any other manner than by sea, except by aircraft duly licensed in accordance with law, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such unlicensed vessels or aircraft and of the merchandise imported therein, landed or unladen in any manner. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any such vessel or aircraft, shall be prima facie evidence of the foreign origin of such merchandise.

(Aug. 5, 1935, ch. 438, title I, § 6, 49 Stat. 519.)

§ 1707. Certificate for importation of alcoholic liquors in small vessels; bond where liquor destined to foreign port; penalty for failure to carry; lost, defaced, or incorrect certificate as relieving from penalty

In addition to any other requirement of law, every vessel, not exceeding five hundred net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any spirits, wines, or other alcoholic liquors (sea stores excepted) found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a bona fide destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: *Provided,* That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred nor shall such bond be required. This section shall take effect on the sixtieth day following August 5, 1935.

(Aug. 5, 1935, ch. 438, title I, § 7, 49 Stat. 520.)

Transfer of Functions

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out as a note under section 1 of this title.

Section Referred to in Other Sections

This section is referred to in sections 1584, 1708 of this title.

§ 1708. Lading vessel in foreign port with liquor for importation

(a) Allowing lading without certificate for importation; liability of master

If the master of any vessel of the United States, not exceeding five hundred net tons, allows such vessel to be laden at any foreign port or other place without the United States with any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors (sea stores excepted), which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, without certificate issued for the importation of such merchandise into the United States as required by section 1707 of this title, the master of such vessel shall, in addition to any other penalties provided by law, be liable to a penalty equal to the value of the said merchandise but not less than $1,000 and such vessel and such merchandise shall be seized and forfeited.

(b) Procuring lading with intent to defraud revenue laws; liability of citizen, master, and members of crew of United States vessel

Whoever, being a citizen of the United States or a master or a member of the crew of a vessel of the United States, if such vessel does not exceed five hundred net tons, shall, with intent to defraud the revenue of the United States, procure, or aid or assist in procuring, any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors, without certificate issued for the importation thereof into the United States as required by section 1707 of this title, to be laden upon such vessel at any foreign port or other place without the United States, which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, shall, in addition to any other penalties provided by law, be liable to a fine of not more than $1,000 or to imprisonment for not more than two years, or to both such fine and imprisonment.

(Aug. 5, 1935, ch. 438, title I, § 8, 49 Stat. 520.)

Cross References

Felony and misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 1709. Definitions

When used in this Act:

(a) The term "United States", when used in a geographical sense, includes all Territories and possessions of the United States, except the Virgin Islands, the Canal Zone, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and the island of Guam.

(b) The term "officer of the customs" means any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a collector, to perform the duties of an officer of the Customs Service.

(c) The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

(d) The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.

(Aug. 5, 1935, ch. 438, title IV, § 401, 49 Stat. 529; June 25, 1938, ch. 679, § 2, 52 Stat. 1077; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; June 30, 1955, ch. 258, § 2(b), 69 Stat. 242.)

References in Text

Word "Act", referred to in text, means act Aug. 5, 1935, which enacted this chapter and sections 1432a and 1601a of this title; amended sections 70, 483, 1401, 1434, 1436, 1441, 1581, 1584, 1585, 1586, 1587, 1591, 1592, 1615, 1619, 1621 of this title; and amended sections 60, 91, 106, 277, 288, 319, 325 of Title 46, Shipping.

CODIFICATION

Words "the Philippine Islands" in subsec. (a) were omitted on authority of Proc. No. 2695, which is set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse, and in which the President proclaimed the independence of the Philippines.

AMENDMENTS

1955—Subsec. (a). Act June 30, 1955, inserted "Johnston Island".

1938—Subsec. (a). Act June 25, 1938, inserted "Wake Island, Midway Islands, Kingman Reef" before "and the island of Guam."

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act June 30, 1955, effective July 1, 1955, see Effective Date of 1955 Amendment note under section 1401 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on the thirtieth day following June 25, 1938, except as otherwise specifically provided, see note under section 1401 of this title.

TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655 of Title 49, Transportation.

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out as a note under section 1, of this title.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of that Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Under the Plan, collectors of customs, and the Commandant of the Coast Guard, were officers of the Treasury Department, but, in the case of the Coast Guard, and the Commandant thereof, the Plan provided that, notwithstanding the transfer of functions, the Coast Guard should continue to operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President directed, as provided in sections 1 and 3 of Title 14, Coast Guard.

§ 1710. Separability of provisions

If any clause, sentence, paragraph, or part of this Act, or the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby.

(Aug. 5, 1935, ch. 438, title IV, § 402, 49 Stat. 529.)

REFERENCES IN TEXT

Word "Act", referred to in text, means act Aug. 5, 1935, which enacted this chapter and sections 1432a and 1601a of this title; amended sections 70, 483, 1401, 1434, 1436, 1441, 1581, 1584, 1585, 1586, 1587, 1591, 1592, 1615, 1619, 1621 of this title; and amended sections 60, 91, 106, 277, 288, 319, 325 of Title 46, Shipping.

§ 1711. Citation of chapter

This Act may be cited as the "Anti-Smuggling Act".

(Aug. 5, 1935, ch. 438, title IV, § 403, 49 Stat. 529.)

REFERENCES IN TEXT

Word "Act", referred to in text, means act Aug. 5, 1935, which enacted this chapter and sections 1432a and 1601a of this title; amended sections 70, 483, 1401, 1434, 1436, 1441, 1581, 1584, 1585, 1586, 1587, 1591, 1592, 1615, 1619, 1621 of this title; and amended sections 60, 91, 106, 277, 288, 319, 325 of Title 46, Shipping.

CHAPTER 6—TRADE FAIR PROGRAM

Sec.

1751. Designation of fairs.
    (a) Notice to Secretary of the Treasury.
    (b) Definitions.
    (c) Regulations.
1752. Entry of articles for fairs.
1753. Disposition of articles entered for fairs.
    (a) Disposition upon payment of duties and taxes.
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    (d) Period for performance of certain acts.
1754. Marking, packaging, and labeling requirements.
1755. Responsibilities of fair operator; sole consignee and importer; reimbursement of customs charges and expenses.
1756. Regulations.

§ 1751. Designation of fairs

(a) Notice to Secretary of the Treasury

When the Secretary of Commerce is satisfied that the public interest in promoting trade will be served by allowance of the privileges provided for in this chapter to any fair to be held in the United States, he shall so advise the Secretary of the Treasury, designating (1) the name of the fair, (2) the place where the fair will be held, (3) the date when the fair will open and the date when it will close, and (4) the name of the operator of the fair.

(b) Definitions

For purposes of this chapter—

(1) The term "fair" means any fair, exhibition, or exposition designated by the Secretary of Commerce pursuant to this section.

(2) The term "closing date" in the case of any fair means the date designated pursuant to subsection (a)(3) of this section as the date when the fair will close, or (if earlier) the date on which such fair actually closes.

(c) Regulations

The Secretary of Commerce may prescribe such regulations as he deems necessary or appropriate to carry out the provisions of this section.

(Pub. L. 86-14, § 2, Apr. 22, 1959, 73 Stat. 18.)

SHORT TITLE

Section 1 of Pub. L. 86-14 provided that Pub. L. 86-14, which is classified to this chapter, may be cited as the "Trade Fair Act of 1959".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1755 of this title.

§ 1752. Entry of articles for fairs

Any article imported or brought into the United States—

(1) which is in continuous customs custody, covered by a customs exhibition bond, or in a foreign trade zone, and

(2) on which no duty or internal-revenue tax has been paid,

may, without payment of any duty or internal-revenue tax, be entered under bond under this section for the purpose of exhibition at a fair, or for use in constructing, installing, or maintaining foreign exhibits at a fair.

(Pub. L. 86-14, § 3, Apr. 22, 1959, 73 Stat. 18.)

IMMUNITY FROM SEIZURE UNDER JUDICIAL PROCESS OF CULTURAL OBJECTS IMPORTED FOR TEMPORARY EXHIBITION OR DISPLAY

Presidential determination of cultural significance of objects and exhibition or display thereof in the national interest, see section 2459 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1753, 1754, 1755 of this title.

§ 1753. Disposition of articles entered for fairs

(a) Disposition upon payment of duties and taxes

At any time before, or within 3 months after, the closing date of any fair, any article entered for such fair under section 1752 of this title may be sold or otherwise disposed of within, or may be removed from, the area of such fair. This subsection shall apply only if, before such disposition or removal—

(1) the article, after the entry for such fair under section 1752 of this title, has been entered under any provision of the customs laws, and

(2) any applicable duties and internal-revenue taxes are paid on such article in its condition and quantity, and at the rate in effect, at the time of such entry as if such article were imported or brought into the United States at the time of such entry.

(b) Disposition without payment of duties or taxes

At any time before, or within 3 months after, the closing date of any fair, any article entered for such fair under section 1752 of this title may, without the payment of any duties or internal-revenue taxes, be—

(1) exported,

(2) transferred from such fair to other customs custody status or to a foreign-trade zone,

(3) destroyed, or

(4) abandoned to the Government.

(c) Mandatory abandonment to Government

If any article entered under section 1752 of this title is still in customs custody, under such entry, at the expiration of 3 months after the closing date of the fair for which it was entered, such article shall thereupon be regarded as an article abandoned to the Government and shall be subject to sale or destruction of the article and disposition of the proceeds of sale in the manner provided for in sections 1491, 1492, and 1493 of this title. For purposes of this subsection, any duties or internal-revenue taxes on the article shall be computed on the basis of its condition and quantity at the time it becomes subject to sale.

(d) Period for performance of certain acts

Whenever any article entered under section 1752 of this title is transferred pursuant to subsection (b)(2) of this section or entered under subsection (a) of this section, the period prescribed for the performance of any act required by the provision governing the status to which the article is transferred, or under which the article is entered, shall run from the date of such transfer or entry.

(Pub. L. 86-14, § 4, Apr. 22, 1959, 73 Stat. 18.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1754 of this title.

§ 1754. Marking, packaging, and labeling requirements

(a) Articles entered under section 1752 of this title shall not be subject to any marking requirements of the customs laws, except that when any such article is entered for consumption under section 1753 of this title it shall not be released from customs custody until the marking requirements of the customs laws have been complied with.

(b) Articles entered under section 1752 of this title shall not be subject to the packaging, marking, or labeling requirements of the internal-revenue laws or of the Federal Alcohol Administration Act [27 U.S.C. 201 et seq.], except that any such article failing to comply with such requirements—

(1) shall be conspicuously marked prior to exhibition "Not labeled or packaged as required by law—not for sale", and

(2) when entered for consumption under section 1753 of this title, shall not be released from customs custody until such packaging, marking, and labeling requirements have been complied with.

The application of the permit requirements of the Federal Alcohol Administration Act and the occupational taxes prescribed by chapter 51 of the Internal Revenue Code of 1954 shall be determined without regard to this chapter.

(Pub. L. 86-14, § 5, Apr. 22, 1959, 73 Stat. 19.)

REFERENCES IN TEXT

The Federal Alcohol Administration Act, referred to in subsec. (b), is act Aug. 29, 1935, ch. 814, 49 Stat. 977, as amended, which is classified generally to chapter 8

(§ 201 et seq.) of Title 27, Intoxicating Liquors. For complete classification of this Act to the Code, see Tables volume.

Chapter 51 of the Internal Revenue Code of 1954, referred to in subsec. (b), is classified to section 5001 et seq. of Title 26, Internal Revenue Code.

§ 1755. Responsibilities of fair operator; sole consignee and importer; reimbursement of customs charges and expenses

(a) Each fair operator designated by the Secretary of Commerce pursuant to section 1751 of this title shall be deemed the sole consignee and importer of all articles entered under section 1752 of this title for the fair for which such operator has been designated.

(b) The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, custody, abandonment, destruction, or release of articles entered under section 1752 of this title, together with the necessary charges for salaries of customs officers and employees in connection with the accounting for, custody of, and supervision over, such articles, shall be reimbursed to the United States by the operator of the fair for which they are entered. Receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 1524 of this title.

(Pub. L. 86-14, § 6, Apr. 22, 1959, 73 Stat. 19.)

§ 1756. Regulations

The Secretary of the Treasury may prescribe such regulations as may be necessary or appropriate to carry out the provisions of this chapter (other than section 1751 thereof).

(Pub. L. 86-14, § 7, Apr. 22, 1959, 73 Stat. 19.)

CHAPTER 7—TRADE EXPANSION PROGRAM

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1916. Administration of financial assistance; recording of mortgages.
1917. Repealed.
1918. Protective provisions.
    (a) Maintenance of records by recipients of assistance.
    (b) Access to books, documents, papers, and records for purpose of audit and examination.
    (c) Certification of names and fees of attorneys, agents, and other persons engaged for purpose of expediting applications for assistance.
    (d) Agreement with respect to employment of persons who occupied a position, or engaged in activities which the Secretary of Commerce determines involved discretion.
1919. Penalties.
1920. Suits by and against Secretary of Commerce.

PART III—ADJUSTMENT ASSISTANCE TO WORKERS

1931. Repealed.

SUBPART A—TRADE READJUSTMENT ALLOWANCES

1941 to 1944. Repealed.

SUBPART B—TRAINING

1951, 1952. Repealed.

SUBPART C—RELOCATION ALLOWANCES

1961 to 1963. Repealed.

SUBPART D—GENERAL PROVISIONS

1971 to 1978. Repealed.

PART IV—TARIFF ADJUSTMENT

1981. General authority.
    (a) Proclamation of increase in, or imposition of, any duty or other import restriction; report to the Congress; adoption of resolution of approval; request for additional information.
    (b) Maximum rate of increase.

Sec.

(c) Reduction, termination, or extension of increase in, or imposition of, any duty or other import restriction.

(d) Review of developments with respect to industries concerned; annual report to President; advice of probable economic effect; considerations; investigations; hearings.

(e) Conformity of trade agreements with this section.

1982. Orderly marketing agreements; negotiation; regulations governing entry or withdrawal from warehouse.

PART V—ADVISORY BOARD

1991. Repealed.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1351, 1352, 1823, 2171, 2318 of this title; title 15 section 636; title 20 section 1262.

CHAPTER REFERRED TO IN D.C. CODE

This chapter is referred to in section 46-307 of the District of Columbia Code.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1801. Statement of purposes

The purposes of this chapter are, through trade agreements affording mutual trade benefits—

(1) to stimulate the economic growth of the United States and maintain and enlarge foreign markets for the products of United States agriculture, industry, mining, and commerce;

(2) to strengthen economic relations with foreign countries through the development of open and nondiscriminatory trading in the free world; and

(3) to prevent Communist economic penetration.

(Pub. L. 87-794, title I, § 102, Oct. 11, 1962, 76 Stat. 872.)

REFERENCES IN TEXT

"This chapter", referred to in text, was in the original "this Act", meaning Pub. L. 87-794, which is classified principally to this chapter. For complete classification of Pub. L. 87-794 to the Code, see Short Title note below and Tables volume.

SHORT TITLE

Section 101 of Pub. L. 87-794 provided that: "This Act [enacting this chapter and section 1323 of this title, amending sections 1351 and 1352 of this title, and sections 172, 6501, and 6511 of Title 26, Internal Revenue Code, repealing sections 1352a and 1362 to 1365 of this title, enacting provisions set out as notes under section 1352 and former sections 1352a, 1362, and 1364 of this title, and under section 172 of Title 26, and amending provisions of the Tariff Classification Act of 1962, set out as a note preceding section 1202 of this title] may be cited as the 'Trade Expansion Act of 1962'."

EXECUTIVE ORDER NO. 11075

Ex. Ord. No. 11075, Jan. 15, 1963, 28 F.R. 473, as amended by Ex. Ord. No. 11106, Apr. 18, 1963, 28 F.R. 3911; Ex. Ord. No. 11113, June 15, 1963, 28 F.R. 6183, formerly set out as a note under this section, which related to the administration of the trade agreements program, was revoked by Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of this title.

ABOLITION OF OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

The legal authority for the establishment and operation of the Office of the Special Representative for Trade Negotiations in the Executive Office of the President was changed by section 141 of the Trade Act of 1974, which is set out as section 2171 of this title. For abolition of the Office as established under Ex. Ord. No. 11075, set out as a note under this section, and for establishment of the Office pursuant instead to the Trade Act of 1974, with provision for the transfer of assets, liabilities, contracts, property, records, unexpended balances and funds, and personnel to the Office as established pursuant to statute rather than Ex. Ord. 11075, see section 2171 of this title.

PRESIDENT'S EXPORT COUNCIL

For provisions relating to establishment of President's Export Council and the Council's functions concerning export expansion, see Ex. Ord. No. 11753, Dec. 20, 1973, 38 F.R. 34983, set out as a note under section 2401 of Title 50, Appendix, War and National Defense.

STUDY OF UNITED STATES FOREIGN TRADE POLICY

Authorization to Special Representative for Trade Negotiations to conduct study of United States foreign trade policy and for establishment of the Public Advisory Committee on Trade Policy, see Ex. Ord. No. 11425, Aug. 30, 1968, 33 F.R. 12363, set out as a note under section 1871 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2135 of this title.

§§ 1802 to 1805. Repealed. Pub. L. 93-618, title VI, § 602(d) Jan. 3, 1975, 88 Stat. 2072

Section 1802, Pub. L. 87-794, title IV, § 401, Oct. 11, 1962, 76 Stat. 902, enumerated the activities to be performed by heads of agencies in performing functions under the Trade Expansion Act of 1962.

Section 1803, Pub. L. 87-794, title IV, § 402, Oct. 11, 1962, 76 Stat. 902, required an annual Presidential report to Congress on the trade agreement program and on tariff adjustment and other adjustment assistance. See section 2213 of this title.

Section 1804, Pub. L. 87-794, title IV, § 403, Oct. 11, 1962, 76 Stat. 902, covered operations of the United States Tariff Commission [now the United States International Trade Commission]. See section 2231 of this title.

Section 1805, Pub. L. 87-794, title IV, § 404, Oct. 11, 1962, 76 Stat. 902, provided for the separability of the provisions of the Trade Expansion Act of 1962. See section 605 of Pub. L. 93-618, set out as a note under section 2101 of this title, for the provisions covering the separability of the various parts of the Trade Act of 1974.

§ 1806. Definitions

For purposes of this chapter—

(1) Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(2) The term "duty or other import restriction" includes (A) the rate and form of an import duty, and (B) a limitation, prohibition, charge, and exaction other than duty, imposed on importation or imposed for the regulation of imports.

(3) to (5) Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(6) The term "modification", as applied to any duty or other import restriction, includes the elimination of any duty.

(Pub. L. 87-794, title IV, § 405, Oct. 11, 1962, 76 Stat. 902; Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.)

References in Text

"This chapter", referred to in text, was in the original "this Act", meaning Pub. L. 87-794, which is classified principally to this chapter. For complete classification of Pub. L. 87-794 to the Code, see Short Title note set out under section 1801 of this title and Tables volume.

Amendments

1975—Pub. L. 93-618 repealed pars. (1), (3), (4), and (5), which defined, respectively, "agency", "firm", "directly competitive with", and "product of a country". See section 2481 of this title.

SUBCHAPTER II—TRADE AGREEMENTS

Subchapter Referred to in Other Sections

This subchapter is referred to in section 1351 of this title.

Part I—General Authority

§ 1821. Basic authority for trade agreements

(a) Whenever the President determines that any existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that any of the purposes stated in section 1801 of this title will be promoted thereby, the President may—

(1) after June 30, 1962, and before July 1, 1967, enter into trade agreements with foreign countries or instrumentalities thereof; and

(2) proclaim such modification or continuance of any existing duty or other import restriction, such continuance of existing duty-free or excise treatment, or such additional import restrictions, as he determines to be required or appropriate to carry out any such trade agreement.

(b) Except as otherwise provided in this subchapter, no proclamation pursuant to subsection (a) of this section shall be made—

(1) decreasing any rate of duty to a rate below 50 percent of the rate existing on July 1, 1962; or

(2) increasing any rate of duty to (or imposing) a rate more than 50 percent above the rate existing on July 1, 1934.

(Pub. L. 87-794, title II, § 201, Oct. 11, 1962, 76 Stat. 872.)

Wood-Wind and Parts of Wood-Wind Instruments

Pub. L. 90-234, § 2(b)(2), Dec. 30, 1967, 81 Stat. 752, provided that: "The amendments made by the first section of this Act, insofar as such amendments relate to items 725.24 and 726.70 of the Tariff Schedules of the United States, shall not affect the authority of the President contained in section 201(a)(2) of the Trade Expansion Act of 1962 [subsec. (a)(2) of this section]."

Existing Duty-Free Treatment of Certain Nickels

Consideration of duty-free treatment of ferronickels, unwrought nickels, and nickel powders by items 911.21, 911.22, and 911.23 of section 1202 of this title as existing duty-free treatment for purposes of subsec. (a)(2) of this section in case of trade agreement before July 1, 1967 for duty-free treatment of such nickels provided for in items 607.25, 620.02, and 620.32 of section 1202 of this title, see Duty-Free Treatment of Certain Nickels After June 30, 1967 note, set out under schedule 6, part 2, of section 1202 of this title.

Dicyandiamide and Limestone: Duty-Free Entry

Duty-free treatment pursuant to this chapter of dicyandiamide in item 425.40 and limestone when imported for use in manufacture of cement in item 513.34 of the Tariff Schedules of the United States, by provision for non-application of subsec. (b)(1) of this section, see section 1823 of this title.

Section Referred to in Other Sections

This section is referred to in sections 1823, 1862, 1981, 2135 of this title.

§ 1822. Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87-794, title II, § 202, Oct. 11, 1962, 76 Stat. 872, made special provision for low-rate articles.

§ 1823. Waiver of limitation on decrease in duty and negotiation and staging requirements for dicyandiamide and limestone

For purposes of this chapter, section 1821(b)(1) of this title (relating to limit on decrease in duty), sections 1841, 1843, and 1844 of this title (relating to certain requirements concerning negotiations), and section 1883 of this title (relating to staging requirements) shall not apply with respect to dicyandiamide provided for in item 425.40 of the Tariff Schedules of the United States, and shall not apply with respect to limestone, when imported to be used in the manufacture of cement, provided for in item 513.34 of such Schedules.

(Pub. L. 90-14, May 5, 1967, 81 Stat. 14.)

References in Text

"This chapter", referred to in text, was in the original "the Trade Expansion Act of 1962" meaning Pub. L. 87-794, Oct. 11, 1962, 76 Stat. 872, which is classified principally to this chapter. For complete classification of Pub. L. 87-794, to the Code, see Short Title note set out under section 1801 of this title and Tables volume.

Sections 1841, 1843, 1844 and 1883, referred to in text, were repealed by Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

Codification

Section was not enacted as a part of the Trade Expansion Act of 1962, which is classified principally to this chapter.

Part II—European Economic Community

§§ 1831 to 1833. Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section 1831, Pub. L. 87-794, title II, § 211, Oct. 11, 1962, 76 Stat. 873, made provision for trade agreements with the European Economic Community.

Section 1832, Pub. L. 87-794, title II, § 212, Oct. 11, 1962, 76 Stat. 874, made special provision for trade agreements covering agricultural commodities.

Section 1833, Pub. L. 87-794, title II, § 213, Oct. 11, 1962, 76 Stat. 874, made special provision for trade agreements covering tropical agricultural and forestry commodities.

PART III—REQUIREMENTS CONCERNING NEGOTIATIONS

§§ 1841 to 1846. Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section 1841, Pub. L. 87-794, title II, § 221, Oct. 11, 1962, 76 Stat. 874, made provision for the giving of advice by the Tariff Commission [now the United States International Trade Commission] concerning trade agreements. See section 2151 of this title.

Section 1842, Pub. L. 87-794, title II, § 222, Oct. 11, 1962, 76 Stat. 875, made provision for the giving of advice by other sources concerning trade agreements. See section 2152 of this title.

Section 1843, Pub. L. 87-794, title II, § 223, Oct. 11, 1962, 76 Stat. 875, provided for public hearings in connection with proposed trade agreements. See section 2153 of this title.

Section 1844, Pub. L. 87-794, title II, § 224, Oct. 11, 1962, 76 Stat. 875, set out prerequisites for offers for modification or continuance of duties or other import restrictions, or continuance of duty-free or excise treatment. See section 2154 of this title.

Section 1845, Pub. L. 87-794, title II, § 225, Oct. 11, 1962, 76 Stat. 876, provided for the reservation of articles from trade negotiations. See section 2137 of this title.

Section 1846, Pub. L. 87-794, title II, § 226, Oct. 11, 1962, 76 Stat. 876, provided for the transmission of agreements to Congress. See section 2212 of this title.

PART IV—NATIONAL SECURITY

§ 1861. Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87-794, title II, § 231, Oct. 11, 1962, 76 Stat. 876; Pub. L. 88-205, pt. IV, § 402, Dec. 16, 1963, 77 Stat. 390, covered products of Communist countries or areas.

§ 1862. Safeguarding national security

(a) Prohibition on decrease or elimination of duties or other import restrictions if such reduction or elimination would threaten to impair national security

No action shall be taken pursuant to section 1821(a) of this title or pursuant to section 1351 of this title to decrease or eliminate the duty or other import restrictions on any article if the President determines that such reduction or elimination would threaten to impair the national security.

(b) Investigations by Secretary of the Treasury to determine effects on national security of imports of articles; hearings; report to President; adjustment of imports

Upon request of the head of any department or agency, upon application of an interested party, or upon his own motion, the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall immediately make an appropriate investigation, in the course of which he shall seek information and advice from, and shall consult with, the Secretary of Defense, the Secretary of Commerce, and other appropriate officers of the United States, to determine the effects on the national security of imports of the article which is the subject of such request, application, or motion. The Secretary shall, if it is appropriate and after reasonable notice, hold public hearings or otherwise afford interested parties an opportunity to present information and advice relevant to such investigation. The Secretary shall report the findings of his investigation under this subsection with respect to the effect of the importation of such article in such quantities or under such circumstances upon the national security and, based on such findings, his recommendation for action or inaction under this section to the President within one year after receiving an application from an interested party or otherwise beginning an investigation under this subsection. If the Secretary finds that such article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, he shall so advise the President and the President shall take such action, and for such time, as he deems necessary to adjust the imports of such article and its derivatives so that such imports will not threaten to impair the national security, unless the President determines that the article is not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

(c) Domestic production for national defense; impact of foreign competition on economic welfare of domestic industries

For the purposes of this section, the Secretary and the President shall, in the light of the requirements of national security and without excluding other relevant factors, give consideration to domestic production needed for projected national defense requirements, the capacity of domestic industries to meet such requirements, existing and anticipated availabilities of the human resources, products, raw materials, and other supplies and services essential to the national defense, the requirements of growth of such industries and such supplies and services including the investment, exploration, and development necessary to assure such growth, and the importation of goods in terms of their quantities, availabilities, character, and use as those affect such industries and the capacity of the United States to meet national security requirements. In the administration of this section, the Secretary and the President shall further recognize the close relation of the economic welfare of the Nation to our national security, and shall take into consideration the impact of foreign competition on the economic welfare of individual domestic industries; and any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects resulting from the displacement of any domestic products by excessive imports shall be considered, without excluding other factors, in determining whether such weakening of our internal economy may impair the national security.

(d) Report on investigations by Secretary of the Treasury; regulations

A report shall be made and published upon the disposition of each request, application, or motion under subsection (b) of this section. The Secretary shall publish procedural regulations to give effect to the authority conferred on him by subsection (b) of this section.

(Pub. L. 87-794, title II, § 232, Oct. 11, 1962, 76 Stat. 877; Pub. L. 93-618, title I, § 127(d), Jan. 3, 1975, 88 Stat. 1993.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 93-618, § 127(d)(1) to (3), substituted "Secretary of the Treasury (hereinafter referred to as the 'Secretary')" for "Director of the Office of Emergency Planning (hereinafter in this section referred to as the 'Director')", substituted "advice from, and shall consult with, the Secretary of Defense, the Secretary of Commerce, and other appropriate officers of the United States" for "advice from other appropriate departments and agencies", inserted provision for public hearings by the Secretary as part of his investigation, added requirements that the Secretary report to the President when he recommends inaction in the same way that a report to the President is required when he recommends action under this section, and placed a 1-year time limit on the Secretary's investigation before making his recommendation to the President.

Subsec. (c). Pub. L. 93-618, § 127(d)(4), substituted "Secretary" for "Director" in two places.

Subsec. (d). Pub. L. 93-618, § 127(d)(4), substituted "Secretary" for "Director".

EX. ORD. NO 11703. ASSIGNING POLICY DEVELOPMENT AND DIRECTION FUNCTIONS RESPECTING OIL IMPORT CONTROL PROGRAM

Ex. Ord. No. 11703, Feb. 7, 1973, 38 F.R. 3579, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Oil Policy Committee, as reconstituted by this order, is hereby continued.

SEC. 2. The Chairman of the Oil Policy Committee shall provide policy direction, coordination, and surveillance of the oil import control program established by Proclamation No. 3279 of March 10, 1959, as amended [set out below], including approval of regulations hereafter issued pursuant to such proclamation. He shall perform those functions after receiving the advice of the Oil Policy Committee and in accordance with guidance from the Assistant to the President with responsibility in the area of economic affairs.

SEC. 3. The Oil Policy Committee shall henceforth consist of the Deputy Secretary of the Treasury, as Chairman, and the Secretaries of State, Defense, the Interior, and Commerce, the Attorney General, and the Chairman of the Council of Economic Advisers, as members. The President may, from time to time, designate other officials to serve as members of the Committee. The Chairman may create subcommittees of the Committee to study and report to the Committee concerning specified subject matters.

SEC. 4. The Oil Policy Committee shall consult with and advise the Chairman on oil import policy, including the operation of the control program under Proclamation No. 3279, as amended, and on recommendations for changes in the program by the issuance of new proclamations with respect to it, or otherwise.

SEC. 5. Section 6 of Proclamation No. 3279 of March 10, 1959, as amended, is amended to read as follows:

"SEC. 6. The Chairman of the Oil Policy Committee shall maintain a constant surveillance of imports of petroleum and its primary derivatives in respect to the national security and, after consultation with the Oil Policy Committee, he shall inform the President of any circumstances which, in the Chairman's opinion might indicate the need for further Presidential action under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), as amended. In the event prices of crude oil or its products or derivatives should be increased after the effective date of this proclamation, such surveillance shall include a determination as to whether such increase or increases are necessary to accomplish the national security objectives of section 232 of the Trade Expansion Act of 1962, as amended, and of this proclamation."

SEC. 6. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred by sections 2 and 5 of this order from the Director of the Office of Emergency Preparedness to the Deputy Secretary of the Treasury, as Chairman of the Oil Policy Committee, as the Director of the Office of Management and Budget shall determine, in conformity with section 202(b) of the Budget and Accounting Act of 1950 (31 U.S.C. 581c(b)), shall be transferred at such time or times as he shall direct for use in connection with the functions transferred.

RICHARD NIXON.

EXECUTIVE ORDER NO. 11743

Ex. Ord. No. 11743, Oct. 23, 1973, 38 F.R. 29459, formerly set out as a note under this section, which related to the continuation of the Oil Policy Committee, was superseded by Ex. Ord. No. 11775, Mar. 26, 1974, 39 F.R. 11415, set out as a note under section 791a of Title 16, Conservation.

PROC. NO. 3279. ADJUSTING IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS INTO THE UNITED STATES

Proc. No. 3279, Mar. 10, 1959, 24 F.R. 1781, as amended by Proc. No. 3290, Apr. 30, 1959, 24 F.R. 3527; Proc. No. 3328, Dec. 10, 1959, 24 F.R. 10133; Proc. No. 3386, Dec. 24, 1960, 25 F.R. 13945; Proc. No. 3389, Jan. 17, 1961, 26 F.R. 507; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683; Proc. No. 3509, Nov. 30, 1962, 27 F.R. 11985; Proc. No. 3531, Apr. 19, 1963, 28 F.R. 4077; Proc. No. 3541, June 12, 1963, 28 F.R. 5931; Proc. No. 3693, Dec. 10, 1965, 30 F.R. 15459; Proc. No. 3779, Apr. 10, 1967, 32 F.R. 5919; Proc. No. 3794, July 17, 1967, 32 F.R. 10547; Proc. No. 3820, Nov. 9, 1967, 32 F.R. 15701; Proc. No. 3823, Jan. 29, 1968, 33 F.R. 1171; Proc. No. 3969, Mar. 10, 1970, 35 F.R. 4321; Proc. No. 3990, June 17, 1970, 35 F.R. 10091; Proc. No. 4018, Oct. 16, 1970, 35 F.R. 16357; Proc. No. 4025, Dec. 22, 1970, 35 F.R. 19391; Proc. No. 4092, Nov. 5, 1971, 36 F.R. 21397; Proc. No. 4099, Dec. 20, 1971, 36 F.R. 24203; Proc. No. 4133, May 11, 1972, 37 F.R. 9543; Proc. No. 4156, Sept. 18, 1972, 37 F.R. 19115; Proc. No. 4175, Dec. 16, 1972, 37 F.R. 28043; Proc. No. 4178, Jan. 17, 1973, 38 F.R. 1719; Ex. Ord. No. 11703, Feb. 7, 1973, 38 F.R. 3579; Proc. No. 4202, Mar. 23, 1973, 38 F.R. 7977; Proc. No. 4210, Apr. 18, 1973, 38 F.R. 9645; Proc. No. 4227, June 19, 1973, 38 F.R. 16195; Ex. Ord. No. 11743, Oct. 23, 1973, 38 F.R. 29459; Ex. Ord. No. 11775, Mar. 26, 1974, 39 F.R. 11415; Ex. Ord. No. 11790, June 25, 1974, 39 F.R. 23185; Proc. No. 4317, Sept. 27, 1974, 39 F.R. 35103; Proc. No. 4341, Jan. 23, 1975, 40 F.R. 3965; Proc. No. 4355, Mar. 4, 1975, 40 F.R. 10437; Proc. No. 4370, Apr. 30, 1975, 40 F.R. 19421; Proc. No. 4377, May 27, 1975, 40 F.R. 23429; Proc. No. 4412, Jan. 3, 1976, 41 F.R. 1037, provided:

SEC. 1(a). In Districts I-IV, in District V, and in Puerto Rico, no crude oil, unfinished oils, or finished products may be entered for consumption or withdrawn from warehouse for consumption, except (1) by or for the account of a person to whom a license has been issued by the Administrator of the Federal Energy Administration pursuant to an allocation made to such person by the Administrator of the Federal Energy Administration in accordance with regulations issued by the Administrator of the Federal Energy Administration, and such entries or withdrawals may be made only in accordance with the terms of such license, or (2) as authorized by the Administrator of the Federal Energy Administration pursuant to paragraph (b) of this section, or (3) as to finished products, by or for the account of a department, establishment, or agency of the United States, which shall not be required to have such a license but which shall be subject to the provisions of paragraph (c) of this section, or (4) as provided in paragraph (c) of this section, or (5) as otherwise provided in this proclamation.

(b) The Administrator of the Federal Energy Administration may, in his discretion, authorize entries, without allocation or license, of small quantities of crude oil, unfinished oils, or finished products.

(c) In Districts I-IV, District V, and Puerto Rico, no department, establishment, or agency of the United States shall without prior payment of the fees provided for in Section 3(a)(1)(i)-(ii) of this Proclamation, import finished products in excess of the respective allocations made to them by the Administrator. Such allocations shall, except as otherwise provided in this Proclamation, be within the maximum levels of imports established in Section 2 of this Proclamation.

(d) The Administrator of the Federal Energy Administration may, by regulation, provide that no allocation or license shall be required in connection with the transportation to the United States by pipeline through a foreign country of crude oil, unfinished oils, or finished products produced in the customs territory of the United States or, in the event of commingling with foreign oils of like kind and qualities incidental to such transportation, of quantities equivalent to the quantities produced in and shipped from such customs territory.

SEC. 2(a). Except as otherwise provided in this Proclamation, the maximum level of imports, from sources other than Canada and Mexico which may be made without prior payment of the fees provided in Section 3(a)(1)(i)-(ii) of this Proclamation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) shall be:

(1) for Districts I-IV, 1,992,000 average barrels per day per year; *Provided*, That, in addition to the foregoing, there may be imported into District I an average of 50,000 barrels per day of No. 2 fuel oil, manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere under allocations made by the Administrator of the Federal Energy Administration, pursuant to regulations of the Administrator of the Federal Energy Administration, to deepwater terminal operators who do not have crude oil import allocations into Districts I-V or Puerto Rico and who, in the allocation period beginning prior to January 1, 1973, had received, from the Administrator of the Federal Energy Administration, an allocation of imports into District I of No. 2 fuel oil; *Provided Further*, That the Administrator of the Federal Energy Administration may, by regulation, provide that a holder of an allocation for the importation of No. 2 fuel oil, may import crude oil produced in the Western Hemisphere in lieu of No. 2 fuel oil, barrel for barrel, and exchange such crude oil for No. 2 fuel oil. Whenever the Chairman of the Oil Policy Committee, after consultation with the committee, finds that, because of supply, price, or other considerations, the requirement that No. 2 fuel oil be manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere is unduly restricting the availability of such oil for importation into District I and is not required for the national security, he shall so advise the Administrator of the Federal Energy Administration who shall then suspend such requirement for such period of time as he shall deem compatible with the purposes of this proclamation

(2) for District V, 670,000 average barrels per day per year.

(3) for Puerto Rico 227,221 average barrels per day per year commencing April 1, 1973; *Provided*, That no person who manufactures in Puerto Rico No. 2 fuel oil from crude oil produced in the Western Hemisphere shall incur a reduction of an allocation or be deemed to have violated a condition of an allocation by reason of a shipment of such oil to a person who holds an allocation of imports of No. 2 fuel oil into District I and who does not have a crude oil import allocation into District I; *ProvidedFurther*, That, this limitation shall not apply to long-term allocations of imports into Puerto Rico.

(4) for District I, 2,900,000 average barrels per day per year, commencing April 1, 1973, of residual fuel oil to be used as fuel.

(5) for Districts II-IV, 42,000 average barrels per day per year of residual fuel oil to be used as fuel.

(6) for District V, 75,600 average barrels per day per year of residual fuel oil to be used as fuel.

(b) Imports of asphalt, ethane, propane, and butanes shall not be subject to the levels established in this Proclamation nor shall any allocation or license be required for their importation.

(c)(1) Except as otherwise provided in this Proclamation, the maximun levels of imports from Canada of crude oil and unfinished oils to which license fees under section 3(a)(1)(i)-(ii) are not applicable shall be:

(i) for Districts I-IV, 960,000 average barrels per day per year; *Provided*, That, the Administrator of the Federal Energy Administration may, within the limits established by subparagraph (1) of paragraph (a) of this section, increase the quantity of crude oil and unfinished oils, which may be imported from Canada so long as such increase is, in his judgment, consonant with the purposes of this Proclamation.

(ii) for District V, 280,000 average barrels per day per year; *Provided*, That, the Administrator of the Federal Energy Administration may, within the limits estabalished by subparagraph (1) of paragraph (a) of this section, increase the quantity of crude oil and unfinished oils which may be imported from Canada, so long as such increase is, in his judgment, consonant with the purposes of this Proclamation.

(2) Entries for consumption of imports from Canada by pipeline may be made until midnight, May 15, of the allocation period following the allocation period in which any license authorizing such imports from Canada was issued.

(d) Except as otherwise provided in this proclamation, the maximum level of imports from Mexico of crude oil produced in Mexico and unfinished oils and finished products produced in Mexico wholly from Mexican crude oil shall be 32,500 average barrels per day per year.

(e) The levels established, and the total demand referred to, in this section do not include free withdrawals by persons pursuant to section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), or petroleum supplies for vessels or aircraft operated by the United States between points referred to in said section 309 (as to vessels or aircraft, respectively) or between any point in the United States or its possessions and any point in a foreign country.

SEC. 3(a)(1). Effective February 1, 1975, the Administrator shall issue allocations and licenses subject to fees, on imports of crude oil, unfinished oils, and finished products. Such licenses shall require, among other appropriate provisions, that:

(i) With respect to imports of crude oil and natural gas products, over and above the levels of imports established in Section 2 of this Proclamation, such fees shall be $0.21 per barrel;

(ii) With respect to imports of motor gasoline, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt), over and above the levels of imports established in Section 2 of this Proclamation, such fees shall be $0.63 per barrel;

(iii) With respect to the fees imposed pursuant to paragraph 3(a)(1)(i)-(ii), the amount of such fees shall be reduced, in such manner as may be provided by the Administrator, by an amount equal to any applicable duties;

(iv) With respect to licenses issued pursuant to paragraph 3(a)(1)(i)-(ii), the Administrator:

(A) With respect to imports of crude oil, to the extent that such imports are refined into products or incorporated into petrochemicals exported from the United States and its territories and possessions, shall refund any fee collected; *Provided*, that the Administrator may limit the quantity of exports to which refunds under this provision may be applicable;

(B) With respect to unfinished oils, may, by regulation, provide for refunds to the extent that such unfinished oils are refined into products or incorporated into petrochemicals which are exported from the United States and its territories and possessions; and

(C) With respect to petrochemicals, shall specify, by regulation, those petrochemicals which qualify an importer for a refund under this subparagraph.

(v) The Administrator shall by regulation reduce the fees payable by importers pursuant to paragraphs

3(a)(1)(i)-(ii) with respect to crude oil, unfinished oils, and finished products imported into Puerto Rico, or imported into Districts I-V and shipped to Puerto Rico, with or without further processing, and not shipped to Districts I-V, as crude oil, unfinished oils, or finished products, by the amount of any excise tax or other levy imposed and collected by the Government of Puerto Rico on such materials, *Provided,* that refunds from or reductions in such excise tax or other levy are authorized in the same manner as are authorized with respect to payments prescribed by paragraphs 3(a)(1)(i)-(ii), *Provided further,* that with respect to shipments to Puerto Rico from Districts I-V such shipments shall be deemed attributable to imported crude.

(vi) With respect to licenses issued against a surety bond pursuant to paragraph 3(a)(1)(i)-(ii), fees shall be paid no later than the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse for consumption, whichever occurs first; and

(vii) With respect to imports made on a before December 21, 1975, all supplemental fees payable under paragraph 3(a)(1)(iii) of this Proclamation as in effect on December 21, 1975, shall be payable in accordance with this Proclamation as in effect on that date.

(2) License fees payable for imports of motor gasoline or other finished products or unfinished oils, manufactured in American Samoa, Guam, or the Virgin Islands or in a foreign trade zone and transported to the Customs territory of the United States by overland means or by vessel or vessels under United States registry, shall be at the rate applicable to the feedstock from which such motor gasoline or other finished product or unfinished oil was manufactured: *Provided,* that such rate shall apply also in cases where the holder of the license establishes to the satisfaction of the Administrator that he made a good faith attempt to arrange shipment by vessel under United States registry and that no such vessel was available at reasonable rates for the purpose at the time this shipment was made.

(3) The Administrator is authorized to refund or reduce fees, whether in whole or in part, (i) where the licensee failed to use, wholly or in part, the license issued to him, (ii) where refunds or reductions, whether in whole or in part, are ordered pursuant to Section 5, (iii) where refunds or reductions, whether in whole or in part, are called for by reason of a person having exported finished products or petrochemicals, (iv) where crude oil imported by virtue of a license for which a fee was paid has been manufactured into asphalt, (v) for payment to the importer of record of sums refunded pursuant to clauses (iii), (iv), (v) and (vii) of paragraph 3(a)(1), as amended by this Proclamation, (vi) where the importer of record participates in an exchange in accordance with the next to last sentence of paragraph 4(b)(1), (vii) where refund of a license fee is called for by reason of the same having been improperly charged.

(4) Persons seeking to import natural gas products under a duly issued natural gas products license shall certify the country of origin to the appropriate customs officer at the port of entry. Such natural gas products may be commingled with crude oil or other unfinished oils for purposes of transportation and may be reseparated prior to importation or imported as a mixture; *Provided,* that the importer certifies the volume of natural gas products contained.

(5) In order to ensure that refiners located in territories of the United States and in foreign trade zones are treated not less favorably than other United States refiners, the Administrator shall by regulation determine at what point crude oil, unfinished oils and finished products shipped into United States territories and foreign trade zones shall become subject to the fees imposed pursuant to paragraphs 3(a)(1)(i)-(ii).

(b)(1) Applications for allocations and licenses for imports subject to fee under this section shall be accompanied by the applicant's certified check, or a cashier's check, payable to the order of the Treasurer of the United States in the amount chargeable pursuant to this section, or by a bond with a surety on the list of acceptable sureties on Federal bonds maintained by the Bureau of Government Financial Operations, Department of the Treasury, in a sum not less than the amount chargeable pursuant to this section, conditioned upon payment of such amount to the order of the Treasurer of the United States, by the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse, whichever occurs first, or within such other period as the Administrator shall specify. In the event that such bond is terminated or the face value of the bond is reduced below the outstanding liability of licenses issued pursuant to the bond, the Administrator shall immediately revoke all licenses issued pursuant to the bond. Except as to a department, establishment or agency of the United States, applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Payment of fees by or for the account of a department, establishment, or agency of the United States shall be accomplished by transfers, as appropriate, from appropriation accounts available to such department, establishment, or agency, to the suspense account provided by subparagraph (1) of paragraph (c) of this section.

(2) With respect to allocations and licenses issued prior to June 1, 1975, for which a bond was not required or with respect to which a bond was required in amounts less than the full amount of the fees imposed pursuant to this Proclamation, the Administrator may, by regulation, provide for such bonding procedures as he deems necessary.

(c)(1) All monies received by the Administrator under the terms of paragraph (b) of this section shall be held by the Administrator in a suspense account and may be drawn upon by the Administrator for the payment of refundable license fees. Balances remaining in such suspense account and not required to be reserved for payments hereinabove provided shall be deposited at the end of each fiscal year in the Treasury of the United States and credited to miscellaneous receipts.

(2) Refunds pursuant to subparagraph (1) of paragraph (c) of this section shall be made without interest.

SEC. 4(a). The Administrator of the Federal Energy Administration is hereby authorized to issue regulations for the purpose of implementing this proclamation.

(b)(1) With respect to the allocation of imports of crude oil and unfinished oils into Districts I-IV and into District V, such regulations shall provide for a fair and equitable distribution of allocations of imports for which license fees under section 3(a)(1)(i)-(ii) are not applicable among eligible persons having refinery capacity in relation to refinery inputs or in relation to storage capacities of such allocation holders. The Administrator may, by regulation, also provide for the making of allocations of imports for which license fees under section 3(a)(1)(i)-(ii) are not applicable, of crude oil and unfinished oils into Districts I-IV and into District V to persons having petrochemical plants in these districts in relation to the outputs of such plants or in relation to inputs to such plants. Provision may be made in the regulations for the making of such allocations on the basis of graduated scales. Notwithstanding the levels prescribed in section 2 of this proclamation, the Administrator may also by regulation make such provisions as he deems consonant with the objectives of this proclamation for the making of allocations of imports of crude oil and unfinished oils to which the license fee is not applicable into Districts I-IV and into District V to persons who manufacture from crude oil and unfinished oils and who export finished products and petrochemicals, subject to such designations as the Administrator may make. Notwithstanding the levels established in section 2 of this proclamation the Administrator may make allocations to which license fees under section 3(a)(1)(i)-(ii) shall not be applicable to new, expanded, or reactivated refinery capacity and petrochemical plants for a period of five years from the date such facility comes on stream. Such allocations shall not exceed 75 percent of estimated refinery capacity or the percentage of petrochemical plant capacity applicable. Notwithstanding the levels established in section 2 of this proclamation, the Administrator may make allocations to which license fees under paragraph 3(a)(1)(i)-(ii) shall not be applicable, with respect to crude oil or unfinished oils imported from Canada in exchange for crude oil, unfinished oils, or finished products produced in the United States or entered into United States customs territory and exported to Canada. In respect of the territories of American Samoa, Guam, the Virgin Islands, and foreign trade zones, the Administrator may make such regulations as he deems consonant with the purposes of this proclamation to the end that persons having refineries and petrochemical plants located in such territories or zones shall participate to the fullest practicable extent, upon terms not less favorable, so far as possible, than those accorded to persons in the Customs territory of the United States in all appropriate aspects of the programs authorized by this proclamation.

(2) Such regulations shall provide for the allocations of imports with respect to which license fees under section 3(a)(1)(i)-(ii) are not applicable of crude oil and unfinished oils into Puerto Rico among persons having refinery capacity in Puerto Rico in the calendar year 1964 on the basis of the allocation of crude and unfinished oils received by such persons for the allocation period commencing April 1, 1973.

(3) Except for (i) crude oil or unfinished oils imported under license or licenses for which a fee has been charged, (ii) crude oil sold, bought, or exchanged in order to comply with other Federal Energy Administration regulations, or (iii) crude oil or unfinished oils imported pursuant to specific relief granted pursuant to section 5, such regulations shall require that imported crude oil and unfinished oils be processed in the licensee's refinery or petrochemical plant, except that imported crude oil or unfinished oils other than Canadian imports may be exchanged for domestic crude or unfinished oils if such exchanges are otherwise lawful, are effected on a current basis and reported in advance to the Administrator, and if the domestic crude or unfinished oils are processed in the licensee's refinery or petrochemical plant. Canadian imports may only be exchanged for other Canadian imports, in which case the Canadian imports obtained in the exchange must be processed in the licensee's own facility.

(4) With respect to the allocation of imports of finished products (other than residual fuel oil to be used as fuel) in respect of which license fees under section 3(a)(1)(i)-(ii) are not applicable into Puerto Rico, such regulations shall provide, to the extent possible for a fair and equitable distribution of imports of such finished products among persons who were importers of such finished products into Puerto Rico during all or part of the calendar year 1958, or such higher level as the Administrator of the Federal Energy Administration may have determined to be required to meet demand in Puerto Rico for finished products that would not otherwise have been met, during the calendar year 1973.

(5) With respect to the allocation of imports to which license fees under section 3(a)(1)(i)-(ii) are not applicable of residual fuel oil to be used as fuel in Puerto Rico, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who were importers of that product into Puerto Rico during all or part of the calendar year 1958. In addition, the Administrator of the Federal Energy Administration by regulation may, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel, the maximum sulphur content of which is acceptable to the Administrator of the Federal Energy Administration, (i) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who in a base period to be established by the Administrator of the Federal Energy Administration had inputs of that product to deepwater terminals located in the respective districts or Puerto Rico and (ii) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who have throughput agreements (warehouse agreements) with deepwater terminal operators. With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations, shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel (i) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who in a base period to be established by the Administrator of the Federal Energy Administration had inputs of that product to deepwater terminals located in District I; (ii) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who have throughput agreements (warehouse agreements) with deepwater terminal operators; and (iii) notwithstanding the levels established in section 2 of this proclamation, during the allocation year commencing in 1973, the Administrator of the Federal Energy Administration may make allocations to which fees under section 3(a)(1)(i)-(ii) shall not be applicable of imports of residual fuel oil to be used as fuel into District I to persons in District I who own and operate newly constructed deepwater terminal facilities, based upon estimated deepwater terminal inputs during a base period to be established by the Administrator of the Federal Energy Administration. For the allocation period commencing in 1974 and subsequent allocation periods, the Administrator of the Federal Energy Administration may make allocations to which fees under section 3(a)(1)(i)-(ii) shall not be applicable of imports of residual fuel oil to be used as fuel into District I based upon estimated deepwater terminal inputs during a base period to be established by the Administrator of the Federal Energy Administration to persons in District I who own and operate newly constructed deepwater terminal facilities; *Provided*, That such allocations to which fees under section 3(a)(1)(i)-(ii) shall not be applicable shall be included within the levels established by subparagraph (4) of paragraph (a) of section 2 of this proclamation, as amended.

(c) Such regulations may provide for the revocation or suspension by the Administrator of the Federal Energy Administration of any allocation or license on grounds relating to the national security, or the violation of the terms of this proclamation, or of any regulation, allocation, or license issued pursuant to this proclamation. In exercising this authority the Administrator will consult with the Secretaries of State, Treasury, and Defense, as appropriate.

SEC. 5(a). The Administrator of the Federal Energy Administration is authorized to provide for the establishment and operation of an Appeals Board to consider petitions by persons affected by the regulations issued pursuant to this proclamation.

(b) The Appeals Board may be empowered, subject to the general direction of the Chairman of the Oil Policy Committee, without regard to the limits of the maximum levels of imports established in section 2 of this proclamation: (1) to reverse or modify on grounds of error actions taken by the Administrator of the Federal Energy Administration under implementing regulations; (2) to modify, on the grounds of exceptional hardship, any allocation made to any person under such regulations; (3) to grant allocations of imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under such regulations; (4) to grant allocations of imports of finished products on grounds of exceptional hardship; (5) to grant allocations of imports of crude oil, unfinished oils, and finished products to independent refiners or established independent marketers who are experiencing exceptional hardship or in emergencies in order to assure, insofar as practicable, that adequate supplies are available; (6) to review the revocation or suspension of any allocation or license; (7) to review the denial by the Administrator of the Federal Energy Administration of refunds of license fees, whether in whole or in part, theretofore paid by a person; and (8) to grant refunds, in whole, or in part, of license fees paid by persons to whom licenses were issued for imports which they subsequently became entitled to make under allocations made by the Board. Except with respect to its function to review applications for allocations of imports to which license fees are applicable, licenses issued pursuant to Board allocations shall be from the fees established in section 3(a)(i)-(ii) exempt. Any allocations granted by the Board, however, shall be subject to payment of the fees established in section 3(a)(1)(iii).

(c) The Administrator of the Federal Energy Administration may modify or alter the composition of the Appeals Board or abolish the Board and establish such other appellate procedures as he deems appropriate.

(d) The authority granted by this section shall expire on April 30, 1980.

SEC. 6. Persons who apply for allocations of crude oil, unfinished oils, or finished products, persons to whom such allocations have been made, and persons who hold such allocations shall furnish to the Administrator of the Federal Energy Administration such information and shall make such reports as he may require, by regulations or otherwise, in the discharge of his responsibilities under this proclamation.

SEC. 7. The Administrator shall provide policy direction, coordination, and surveillance of the mandatory oil import program, and shall, from time to time, in consultation with the Secretaries of State and the Treasury and other federal agencies as appropriate, review the status of imports of petroleum and its primary derivatives in respect to the national security. In this connection, he shall inform the President of any circumstances which might indicate the need for further Presidential action under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) as amended.

SEC. 8. Annually, beginning May 1, 1974, the maximum levels of imports subject to allocation and license, to which license fees under section 3(a)(1)(i)-(ii) shall not be applicable, except allocations made and licenses issued by reason of new, expanded, or reactivated refinery capacity and petrochemical plants in Districts I-IV and District V allocations and licenses issued to persons who manufacture in such Districts finished products or petrochemicals from crude oil and unfinished oils and who export finished products or petrochemicals, subject to such designations as the Administrator of the Federal Energy Administration may make, shall be reduced as follows:

For the year commencing May 1, 1974, the maximum levels of such imports shall be ninety percent (90%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1975, the maximum levels of such imports shall be eighty percent (80%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1976, the maximum levels of such imports shall be sixty-five percent (65%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1977, the maximum levels of such imports shall be fifty percent (50%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1979, the maximum levels of such imports shall be thirty-five percent (35%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1979, the maximum levels of such imports shall be twenty percent (20%), in barrels per day, of the levels established during the calendar year 1973.

Effective April 30, 1980, the system of issuing allocations and licenses not subject to license fee under section 3(a)(1)(i)-(ii) shall be abolished.

SEC. 9. Commitments and obligations contained in long-term allocations heretofore made shall be unimpaired by this proclamation or regulations issued thereunder, except that all such allocations shall be subject to the payment of fees prescribed by section 3(a)(1)(iii) of this proclamation.

SEC. 10. The Administrator of the Federal Energy Administration may delegate, and provide for successive redelegation of, the authority conferred upon him by this proclamation. All departments and agencies of the Executive Branch of the Government shall cooperate with and assist the Administrator of the Federal Energy Administration in carrying out the purposes of this proclamation.

SEC. 11. As used in this proclamation:

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a state, territorial or local government, but does not include a department, establishment, or agency of the United States.

(b) "District I" means the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

(c) "Districts II-IV" means all the states of the United States except those states within District I and District V.

(d) "Districts I-IV" means the District of Columbia and all of the states of the United States except those states within District V.

(e) "District V" means the states of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii.

(f) "Crude oil" means a mixture of hydrocarbons that existed in natural underground reservoirs and which is liquid at atmospheric pressure after passing through surface separating processes and does not include natural gas products. It includes the initial liquid hydrocarbons produced from tar sands, gilsonite, and oil shale.

(g) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, or any component or components of such oils which are to be used without further processing by any one or more of the processes described in subparagraphs (1) through (3) of paragraph (h) of this section, and which, as of January 1, 1973, under the Tariff Schedules of the United States [section 1202 of this title], were not subject to a duty of more than one cent ($0.01) per pound of the hydrocarbons therein contained:

(1) The term "liquefied gases" means the following liquefied or liquefiable gases, namely, ethane, propane, butanes, ethylene, propylene, and butylenes which are derived by refining or other processing of natural gas, crude oil, or unfinished oils.

(2) "Gasoline" means a refined petroleum distillate, including naphtha, jet fuel, or other petroleum oils, (but not benzene which meets the ASTM distillation standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene or paraxylene having a purity of 95 percent or more by weight) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, and having a boiling range at atmospheric pressure which falls completely or in part between 80° F and 400° F.

(3) "Kerosene" means any jet fuel, diesel fuel, fuel oil, or other petroleum oils derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 400° F and 550° F.

(4) "Distillate fuel oil" means any fuel oil, gas oil, topped crude oil, or other petroleum oils (except re-

fined petroleum wax) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 550° F and 1200° F.

(5) "Residual fuel oil" means a petroleum oil, which is (i) any topped crude or viscous residuum of crude or unfinished oils or one or more of the petroleum oils defined in subparagraphs (2) through (4) of this paragraph (g), which has a viscosity of not less than 45 seconds Saybolt Universal at 100° F to be used as fuel without further processing other than by mechanical blending or (ii) crude oil to be used as fuel without further processing other than by blending by mechanical means.

(6) "Asphalt" means a solid or semi-solid cementitious crude oil or derivative of crude oil, 50 percent or more of the constituents of which are bitumins, which is not to be used as fuel and which is to be used without further processing except airblowing or blending by mechanical means.

(7) "Lubricating oils" means any lubricant containing more than 50 percent by volume of refined petroleum distillates or specially treated petroleum residuum.

(8) "Natural gas products" means liquids (under atmospheric conditions), including natural gasoline, which are recovered by process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a reservoir and which, when recovered and without processing in a refinery or other plant, fall within any of the definitions of products contained in clauses (2) through (4) of this paragraph (g).

(h) "Unfinished oils" means one or more of the petroleum oils listed in clauses (1) through (4) and clause (8) of paragraph (g) of this section or a mixture or combination of such oils, or any component or components of such oils, which are to be further processed in one or more of the following ways:

(1) By distillation with a resulting yield of at least two distinct finished products or unfinished oils, two of which must be equal to not less than 10 percent of the total charge of such unfinished oils to a distillation unit. Different grades or specifications of finished products or unfinished oils will not constitute distinct finished products or unfinished oils for purposes of this subparagraph. Distillation of petroleum oils which have been reconstituted by blending of two or more finished products or unfinished oils does not constitute processing for the purposes of this subparagraph.

(2) By catalytic or thermal conversion in process units such as alkylation, coking, cracking, hydrofining, hydrodesulphurization, polymerization, isomerization, dehydrogenation, or reforming.

(3) By physical separation established by means of solvent dewaxing, solvent deasphalting, solvent extraction, or extractive distillation.

(i) As used in paragraphs (g) and (h) of this section, the term "petroleum oil" includes only hydrocarbons derived from crude oil or natural gas.

(j) The term "imports from Canada" as used in this proclamation, means entries for consumption or withdrawals from warehouse for consumption of the following items which have been transported into the United States from Canada, by overland means (pipeline, rail, or other means of overland transportation) or over waterways other than ocean waterways, to-wit: crude oil produced in Canada, unfinished oils which have been derived from crude oil or natural gas produced in Canada, and finished products which have been produced in Canada from crude oil produced in Canada.

(k) The expression "long-term allocation" means:

(1) That certain allocation made to Commonwealth Oil Refining Company, Inc., of imports of crude and unfinished oils into Puerto Rico dated May 10, 1968—effective January 1, 1968 (as amended).

(2) That certain allocation made to Phillips Petroleum Company of imports of unfinished oils into Puerto Rico—dated December 23, 1965—effective January 1, 1966 (as amended).

(3) That certain allocation made to Sun Oil Company of imports of crude oil into Puerto Rico—effective April 18, 1968 (as amended).

(4) That certain allocation made to Union Carbide Corporation of imports of crude oil and unfinished oils into Puerto Rico—dated April 19, 1968—effective April 19, 1968.

(5) That certain allocation made to Hess Oil and Chemical Corporation of imports of finished products into Districts I-IV—dated December 12, 1967—effective January 1, 1968 (Hess Oil and Chemical Corporation now Amerada-Hess).

(6) That certain allocation made to Fuel Desulphurization, Inc., of residual fuel oil and fuel oil into Districts I-IV—dated January 8, 1969 (as amended).

(7) That certain allocation made to Guardian Oil Refining Corporation of residual fuel oil in Districts I-IV—dated January 8, 1969 (as amended).

(8) That certain allocation made to Supermarine Inc., of residual fuel oil and fuel oil into Districts I-IV—dated January 8, 1969 (as amended).

(9) That certain zone allocation made to Hawaiian Independent Refinery, Inc., of shipments of crude oil and unfinished oils into foreign-trade sub-zone No. 9-A at Ewa, Oahu, Hawaii, of foreign-trade zone No. 9—Honolulu, Hawaii, dated May 7, 1970.

(*l*) The term "imports" includes both entry for consumption and withdrawal from warehouse for consumption, but excludes unfinished oils and finished products processed in United States territories and foreign trade zones from crude oil produced in the United States.

(m) The term "Administrator" means the Administrator of the Federal Energy Administration, or his delegate.

SEC. 12. Effective with respect to articles entered, or withdrawn from warehouse for consumption on or after February 1, 1975, tariffs upon imports of petroleum products listed in schedule 4, part 10—"Petroleum, natural gas, and products derived therefrom"—of the Tariff Schedules of the United States shall be and are reinstated.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of April, in the year of our Lord nineteen hundred seventy-three and of the Independence of the United States of America the one hundred ninety-seventh.

RICHARD NIXON.

ADJUSTMENTS IN LEVEL OF IMPORTS

Section 6 of Proc. No. 3389, Jan. 17, 1961, 26 F.R. 507, provided that said amendatory proclamation should not be deemed to affect the Secretary of Interior's adjustments in the level of imports into Districts I-IV, of residual fuel oil to be used as fuel or the allocations made for the period Jan. 1, 1961, through Mar. 31, 1961.

EFFECTIVE DATE OF AMENDMENTS BY PROC. NO. 3290

Proc. No. 3290 provided in part that par. (a) of section 1, par. (c) of section 2, and pars. (b)(1) and (b)(3) of section 3 of Proc. No. 3279 should be amended on and after June 1, 1959.

Par. 2 of Proc. No. 3290 provided in part that par. (b) of section 1 of Proc. No. 3279 is amended on and after the date of Proc. No. 3290 and such amendment shall have no effect upon actions taken prior to the day on which it becomes effective.

EFFECTIVE DATE OF AMENDMENTS BY PROC. NO. 3509

Proc. No. 3509 provided in part, that the amendments set forth in pars. (a) and (b) of section 5 of Proc. No. 3509, with respect to the restrictions imposed by section 1 of Proc. No. 3279, should be effective on Dec. 3, 1962, and on Jan. 1, 1963 with respect to the maximum levels of imports prescribed by section 2 of Proc. No. 3279, and, in connecting with the making of allocations, should be effective with respect to the allocation period beginning July 1, 1963.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1863, 2137, 2463 of this title.

§ 1863. Annual report to Congress; reports to Congress of actions taken

The President shall submit to the Congress an annual report on section 1862 of this title. Within 60 days after he takes any action under such section 1862 of this title, the President shall report to the Congress the action taken and the reasons therefor.

(Pub. L. 93-618, title I, § 127(c), Jan. 3, 1975, 88 Stat. 1993.)

CODIFICATION

Section is comprised of subsec. (c) of section 127 of act Jan. 3, 1975. Subsecs. (a) and (b) of such section were classified to section 2137 of this title and subsec. (d) amended section 1862 of this title.

Section was enacted as part of the Trade Act of 1974, and not as part of the Trade Expansion Act of 1962 which comprises this chapter.

PART V—ADMINISTRATIVE PROVISIONS

§ 1871. Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87-794, title II, § 241, Oct. 11, 1962, 76 Stat. 878, provided for the appointment of the Special Representative for Trade Negotiations. See section 2171 of this title.

§ 1872. Interagency trade organization

(a) Establishment; composition; meetings; participation by other agencies

The President shall establish an interagency organization to assist him in carrying out the functions vested in him by this subchapter and sections 2251, 2252, and 2253 of this title. Such organization shall, in addition to the Special Representative for Trade Negotiations, be composed of the heads of such departments and of such other officers as the President shall designate. It shall meet at such times and with respect to such matters as the President or the chairman of the organization shall direct. The organization may invite the participation in its activities of any agency not represented in the organization when matters of interest to such agency are under consideration.

(b) Duties

In assisting the President, the organization shall—

(1) make recommendations to the President on basic policy issues arising in the administration of the trade agreements program,

(2) make recommendations to the President as to what action, if any, he should take on reports submitted to him by the United States International Trade Commission under section 2251(d) of this title,

(3) advise the President of the results of hearings held pursuant to section 2411(c) and (d) of this title, and recommend appropriate action with respect thereto, and

(4) perform such other functions with respect to the trade agreements program as the President may from time to time designate.

(c) Use of resources of agencies; procedures and committees

The organization shall, to the maximum extent practicable, draw upon the resources of the agencies represented in the organization, as well as such other agencies as it may determine, including the United States International Trade Commission. In addition, the President may establish by regulation such procedures and committees as he may determine to be necessary to enable the organization to provide for the conduct of hearings pursuant to section 2411(c) and (d) of this title, and for the carrying out of other functions assigned to the organization pursuant to this section.

(Pub. L. 87-794, title II, § 242, Oct. 11, 1962, 76 Stat. 878; Pub. L. 93-618, title I, § 171, title VI, § 602(b), Jan. 3, 1975, 88 Stat. 2009, 2072.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93-618, § 602(b)(1), substituted reference to sections 2251, 2252, and 2253 of this title for reference to sections 1981 and 1982 of this title.

Subsec. (b)(2). Pub. L. 93-618, § 602(b)(2), (3), substituted "reports submitted to him" for "reports with respect to tariff adjustment submitted to him" and "section 2251(d) of this title" for "section 1901(e) of this title."

Subsec. (b)(3). Pub. L. 93-618, § 602(b)(4), (5), substituted "hearings held pursuant to" for hearings concerning foreign import restrictions held pursuant to" and "section 2411(c) and (d) of this title" for "section 1882(d) of this title".

Subsec. (c). Pub. L. 93-618, § 602(b)(5), substituted "section 2411(c) and (d) of this title" for "section 1882(d) of this title".

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

TRADE POLICY COMMITTEE

For provisions relating to the establishment of the Trade Policy Committee, see section 3 of Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2171 of this title.

§ 1873. Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87-794, title II, § 243, Oct. 11, 1962, 76 Stat. 878, made provision for Congressional delegates to trade negotiations. See section 2211 of this title.

PART VI—GENERAL PROVISIONS

§ 1881. Most-favored-nation principle

Except as otherwise provided in this subchapter, in section 1351 of this title, or in section 401(a) of the Tariff Classification Act of 1962, any duty or other import restriction or duty-free treatment proclaimed in carrying out any trade agreement under this subchapter or section 1351 of this title shall apply to products of all foreign countries, whether imported directly or indirectly.

(Pub. L. 87-794, title II, § 251, Oct. 11, 1962, 76 Stat. 879.)

REFERENCES IN TEXT

Section 401(a) of the Tariff Classification Act of 1962, referred to in the text, is set out as a note under section 1351 of this title.

§§ 1882 to 1884. Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section 1882, Pub. L. 87-794, title II, § 252, Oct. 11, 1962, 76 Stat. 879, provided for Presidential action in the face of foreign import restrictions. See sections 2112 of this title.

Section 1883, Pub. L. 87-794, title II, § 253, Oct. 11, 1962, 76 Stat. 880, covered the area of staging requirements. See section 2119 of this title.

Section 1884, Pub. L. 87-794, title II, § 254, Oct. 11, 1962, 76 Stat. 880, provided for rounding authority. See section 2119 of this title.

§ 1885. Termination of proclamations

(a) Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(b) The President may at any time terminate, in whole or in part, any proclamation made under this subchapter.

(Pub. L. 87-794, title II, § 255, Oct. 11, 1962, 76 Stat. 880; Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93-618 struck out subsec. (a) which provided for the termination of or withdrawn from trade agreements. See section 2135 of this title.

§ 1886. Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87-794, title II, § 256, Oct. 11, 1962, 76 Stat. 881, defined terms. See section 2481 of this title.

§ 1887. Limitation on imports under section 624 of Title 7

Nothing contained in this chapter shall be construed to affect in any way the provisions of section 624 of title 7, or to apply to any import restriction heretofore or hereafter imposed under such section.

(Pub. L. 87-794, title II, § 257(h), Oct. 11, 1962, 76 Stat. 883.)

§ 1888. References in other laws

All provisions of law (other than this chapter and the Trade Agreements Extension Act of 1951) in effect after June 30, 1962, referring to section 350 of the Tariff Act of 1930, to that section as amended, to the Act entitled "An Act to amend the Tariff Act of 1930", approved June 12, 1934, to that Act as amended, or to agreements entered into, or proclamations issued, under any of such provisions, shall be construed, unless clearly precluded by the context, to refer also to this chapter, or to agreements entered into or proclamations issued, pursuant to this chapter.

(Pub. L. 87-794, title II, § 258, Oct. 11, 1962, 76 Stat. 883.)

REFERENCES IN TEXT

"This chapter", referred to in text, was in the original "this Act", meaning Pub. L. 87-794, Oct. 11, 1962, 76 Stat. 872, which is classified principally to this chapter. For complete classification of Pub. L. 87-794, to the Code, see Short Title note set out under section 1801 of this title and Tables volume.

The Trade Agreements Extension Act of 1951, referred to in text is act June 16, 1951, ch. 141, 65 Stat. 72. For complete classification of this Act to the Code, see Short Title note set out under section 1360 of this title and Tables volume.

Section 350 of the Tariff Act of 1930, referred to in the text, is classified to section 1351 of this title.

The Act entitled "An Act to amend the Tariff Act of 1930", approved June 12, 1934, referred to in the text, is classified to sections 1352, 1353, and 1354 of this title.

SUBCHAPTER III—TARIFF ADJUSTMENT AND OTHER ADJUSTMENT ASSISTANCE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2021 of this title.

PART I—ELIGIBILITY FOR ASSISTANCE

§§ 1901, 1902. Repealed. Pub. L. 93-618, title VI, § 602(d), (e), Jan. 3, 1975, 88 Stat. 2072

Section 1901, Pub. L. 87-794, title III, § 301, Oct. 11, 1962, 76 Stat. 883, provided for Tariff Commission [now United States International Trade Commission] investigations and reports. See section 2251 et seq. of this title.

Section 1902, Pub. L. 87-794, title III, § 302, Oct. 11, 1962, 76 Stat. 885, covered Presidential action after Tariff Commission [now United States International Trade Commission] determination. See section 2252 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Section 602(e) of Pub. L. 93-618 provided in part that the repeals called for in section 602(e) of Pub. L. 93-618 [repealing subsecs. (a)(2) and (3), (c), (d)(2), and (f)(1) and (3) of section 1901, and sections 1902(b)(1) and (2), (c), (d), and (e), 1911, to 1915, 1917, 1931, 1941 to 1944, 1951, 1952, 1961 to 1963, and 1971 to 1978 of this title] are effective on the 90th day following Jan. 3, 1975.

The remaining parts of section 1901 [subsecs. (a)(1), (b), (d)(1), (e), (f)(2), and (g) of section 1901] and of section 1902 [subsec. (a) of section 1902] are repealed by section 602(d) of Pub. L. 93-618 without an effective date of repeal other than that of Pub. L. 93-618, which was approved on Jan. 3, 1975.

PART II—ADJUSTMENT ASSISTANCE TO FIRMS

§§ 1911 to 1915. Repealed. Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section 1911, Pub. L. 87-794, title III, § 311, Oct. 11, 1962, 76 Stat. 886, provided for the certification of proposals for adjustment assistance to firms. See section 2341 et seq. of this title.

Section 1912, Pub. L. 87-794, title III, § 312, Oct. 11, 1962, 76 Stat. 886, provided for the use of existing agencies in carrying out certified adjustment proposals. See section 2341 et seq. of this title.

Section 1913, Pub. L. 87-794, title III, § 313, Oct. 11, 1962, 76 Stat. 887, provided for the giving of technical assistance to firms. See section 2343 of this title.

Section 1914, Pub. L. 87-794, title III, § 314, Oct. 11, 1962, 76 Stat. 887, provided for the giving of financial assistance to firms. See section 2344 of this title.

Section 1915, Pub. L. 87-794, title III, § 315, Oct. 11, 1962, 76 Stat. 887, set out the conditions for the giving of financial assistance. See section 2345 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

§ 1916. Administration of financial assistance; recording of mortgages

(a) In making and administering guarantees, agreements for deferred participation, and loans under section 1914 of this title, the Secretary of Commerce may—

(1) require security for any such guarantee, agreement, or loan, and enforce, waive, or subordinate such security;

(2) assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with such guarantees, agreements, or loans, and collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees, agreements, or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(3) renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees, agreements, or loans;

(4) acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

(5) exercise all such other powers and take all such other acts as may be necessary or incidental to the carrying out of functions pursuant to section 1914 of this title.

(b) Any mortgage acquired as security under subsection (a) of this section shall be recorded under applicable State law.

(Pub. L. 87-794, title III, § 316, Oct. 11, 1962, 76 Stat. 888.)

References in Text

Section 1914, referred to in subsec. (a), was repealed by Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072, and its provisions are now covered by section 2344 of this title.

Section Referred to in Other Sections

This section is referred to in title 15 section 636.

§ 1917. Repealed. Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87-794, title III, § 317(a), Oct. 11, 1962, 76 Stat. 889, made provision for tax assistance to firms.

Effective Date of Repeal

Repeal effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

§ 1918. Protective provisions

(a) Maintenance of records by recipients of assistance

Each recipient of adjustment assistance under section 1913, 1914, or 1917 of this title, shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such adjustment assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary of Commerce may prescribe.

(b) Access to books, documents, papers, and records for purpose of audit and examination

The Secretary of Commerce and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to adjustment assistance under sections 1913, 1914, and 1917 of this title.

(c) Certification of names and fees of attorneys, agents, and other persons engaged for purpose of expediting applications for assistance

No adjustment assistance shall be extended under section 1913, 1914, or 1917 of this title to any firm unless the owners, partners, or officers certify to the Secretary of Commerce—

(1) the names of any attorneys, agents, and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such adjustment assistance, and

(2) the fees paid or to be paid to any such person.

(d) Agreement with respect to employment of persons who occupied a position, or engaged in activities which the Secretary of Commerce determines involved discretion

No financial assistance shall be provided to any firm under section 1914 of this title unless the owners, partners, or officers shall execute an agreement binding them and the firm for a period of 2 years after such financial assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any person who, on the date such assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Secretary of Commerce shall have determined involve discretion with respect to the provision of such financial assistance.

(Pub. L. 87-794, title III, § 318, Oct. 11, 1962, 76 Stat. 891.)

References in Text

Sections 1913, 1914, and 1917, referred to in text, were repealed by Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072. The provisions of such sections 1913 and 1914 are now covered by sections 2343 and 2344 of this title, respectively.

Section 1917 of this title, referred to in subsecs. (a) to (c), was in the original "section 317", meaning section 317 of Pub. L. 87-794, which enacted section 1917 of this title and amended sections 172(b), 6501(h), and 6511(d)(2)(A) of Title 26, Internal Revenue Code.

Section Referred to in Other Sections

This section is referred to in title 15 section 636.

§ 1919. Penalties

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Secretary of Commerce under this part, or for the purpose of obtaining money, property, or anything of value under this part, shall be fined not more than $5,000 or impisoned for not more than two years, or both.

(Pub. L. 87-794, title III, § 319, Oct. 11, 1962, 76 Stat. 892.)

Section Referred to in Other Sections

This section is referred to in title 15 section 636.

§ 1920. Suits by and against Secretary of Commerce

In providing technical and financial assistance under sections 1913 and 1914 of this title, the Secretary of Commerce may sue and be used in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against him or his property. Nothing in this section shall be construed to except the activities pursuant to sections 1913 and 1914 of this title from the application of sections 517, 519, and 2679 of title 28.

(Pub. L. 87-794, title III, § 320, Oct. 11, 1962, 76 Stat. 892.)

References in Text

Sections 1913 and 1914, referred to in text, were repealed by Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072, and are now covered by sections 2343 and 2344 of this title, respectively.

Codification

Reference to "section 517 of title 28" was substituted for reference to section 316 of title 5, and reference to "section 519 of title 28" was substituted for reference to section 507(b) of title 28 on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

Section Referred to in Other Sections

This section is referred to in title 15 section 636.

Part III—Adjustment Assistance to Workers

§ 1931. Repealed. Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87-794, title III, § 321, Oct. 11, 1962, 76 Stat. 892, authorized the giving of adjustment assistance to workers. See section 2271 et seq. of this title.

Effective Date of Repeal

Repeal effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

SUBPART A—TRADE READJUSTMENT ALLOWANCES

§§ 1941 to 1944. Repealed. Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section 1941, Pub. L. 87-794, title III, § 322, Oct. 11, 1962, 76 Stat. 892, set out the qualifying requirements for trade readjustment allowances. See section 2291 of this title.

Section 1942, Pub. L. 87-794, title III, § 323, Oct. 11, 1962, 76 Stat. 893, set out the provisions covering the weekly amount for trade readjustment allowances. See section 2292 of this title.

Section 1943, Pub. L. 87-794, title III, § 324, Oct. 11, 1962, 76 Stat. 894, set out time limitations for trade readjustment allowances. See section 2293 of this title.

Section 1944, Pub. L. 87-794, title III, § 325, Oct. 11, 1962, 76 Stat. 894, provided for the application of State laws. See section 2294 of this title.

Effective Date of Repeal

Repeal of sections effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

SUBPART B—TRAINING

§§ 1951, 1952. Repealed. Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section 1951, Pub. L. 87-794, title III, § 326, Oct. 11, 1962, 76 Stat. 895, provided for training to prepare workers for full employment. See section 2295 of this title.

Section 1952, Pub. L. 87-794, title III, § 327, Oct. 11, 1962, 76 Stat. 895, provided for disqualification for refusal of training. See section 2296 of this title.

Effective Date of Repeal

Repeal of sections effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

SUBPART C—RELOCATION ALLOWANCES

§§ 1961 to 1963. Repealed. Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section 1961, Pub. L. 87-794, title III, § 328, Oct. 11, 1962, 76 Stat. 895, provided for the application for a relocation allowance. See sections 2297 and 2298 of this title.

Section 1962, Pub. L. 87-794, title III, § 329, Oct. 11, 1962, 76 Stat. 895, set out the qualifying requirements for training. See sections 2297 and 2298 of this title.

Section 1963, Pub. L. 87-794, title III, § 330, Oct. 11, 1962, 76 Stat. 896, defined the term "relocation allowance". See sections 2297 and 2298 of this title.

Effective Date of Repeal

Repeal of sections effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

SUBPART D—GENERAL PROVISIONS

§§ 1971 to 1978. Repealed. Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072

Section 1971, Pub. L. 87-794, title III, § 331, Oct. 11, 1962, 76 Stat. 896, made provision for agreements with States. See section 2311 et seq. of this title.

Section 1972, Pub. L. 87-794, title III, § 332, Oct. 11, 1962, 76 Stat. 896, made provision for payments to States. See section 2313 of this title.

Section 1973, Pub. L. 87-794, title III, § 333, Oct. 11, 1962, 76 Stat. 897, provided for the liabilities of certifying and disbursing officers. See section 2314 of this title.

Section 1974, Pub. L. 87-794, title III, § 334, Oct. 11, 1962, 76 Stat. 897, provided for the recovery of overpayments. See section 2315 of this title.

Section 1975, Pub. L. 87-794, title III, § 335, Oct. 11, 1962, 76 Stat. 897, set out the penalties for making false statements or failing to disclose material facts. See section 2316 of this title.

Section 1976, Pub. L. 87-794, title III, § 336, Oct. 11, 1962, 76 Stat., 897, provided for the review of determinations as to entitlement for adjustment assistance. See section 2322 of this title.

Section 1977, Pub. L. 87-794, title III, § 337, Oct. 11, 1962, 76 Stat. 897, authorized appropriations for adjustment assistance to workers.

Section 1978, Pub. L. 87-794, title III, § 338, Oct. 11, 1962, 76 Stat. 897, defined terms. See section 2319 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

PART IV—TARIFF ADJUSTMENT

§ 1981. General authority

(a) Proclamation of increase in, or imposition of, any duty or other import restriction; report to the Congress; adoption of resolution of approval; request for additional information

(1) After receiving an affirmative finding of the United States International Trade Commission under section 1901(b) of this title with respect to an industry, the President may proclaim such increase in, or imposition of, any duty or other import restriction on the article causing or threatening to cause serious injury to such industry as he determines to be necessary to prevent or remedy serious injury to such industry.

(2) If the President does not, within 60 days after the date on which he receives such affirmative finding, proclaim the increase in, or imposition of, any duty or other import restriction on such article found and reported by the United States International Trade Commission pursuant to section 1901(e) of this title—

(A) he shall immediately submit a report to the House of Representatives and to the Senate stating why he has not proclaimed such increase or imposition, and

(B) such increase or imposition shall take effect (as provided in paragraph (3)) upon the adoption by both Houses of the Congress (within the 60-day period following the date on which the report referred to in subparagraph (A) is submitted to the House of Representatives and the Senate), by the yeas and nays by the affirmative vote of a majority of the authorized membership of each House, of a concurrent resolution stating in effect that the Senate and House of Representatives approve the increase in, or imposition of, any duty or other import restriction on the article found and reported by the United States International Trade Commission.

For purposes of subparagraph (B), in the computation of the 60-day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The report referred to in subparagraph (A) shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session.

(3) In any case in which the contingency set forth in paragraph (2)(B) occurs, the President shall (within 15 days after the adoption of such resolution) proclaim the increase in, or imposition of, any duty or other import restriction on the article which was found and reported by the United States International Trade Commission pursuant to section 1901(e) of this title.

(4) The President may, within 60 days after the date on which he receives an affirmative finding of the United States International Trade Commission under section 1901(b) of this title with respect to an industry, request additional information from the United States International Trade Commission. The United States International Trade Commission shall, as soon as practicable but in no event more than 120 days after the date on which it receives the President's request, furnish additional information with respect to such industry in a supplemental report. For purposes of paragraph (2), the date on which the President receives such supplemental report shall be treated as the date on which the President received the affirmative finding of the United States International Trade Commission with respect to such industry.

(b) Maximum rate of increase

No proclamation pursuant to subsection (a) of this section shall be made—

(1) increasing any rate of duty to a rate more than 50 percent above the rate existing on July 1, 1934, or, if the article is dutiable but no rate existed on July 1, 1934, the rate existing at the time of the proclamation.

(2) in the case of an article not subject to duty, imposing a duty in excess of 50 percent ad valorem.

For purposes of paragraph (1), the term "existing on July 1, 1934" has the meaning assigned to such term by paragraph (5) of section 1886 of this title.

(c) Reduction, termination, or extension of increase in, or imposition of, any duty or other import restriction

(1) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951—

(A) may be reduced or terminated by the President when he determines, after taking into account the advice received from the United States International Trade Commission under subsection (d)(2) of this section and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest, and

(B) unless extended under section 2253 of this title, shall terminate not later than the close of the date which is 4 years (or, in the case of any such increase or imposition proclaimed pursuant to such section 7, 5 years) after the effective date of the initial proclamation or October 11, 1962, whichever date is the later.

(2) Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(d) Review of developments with respect to industries concerned; annual report to President; advice of probable economic effect; considerations; investigations; hearings

(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the United States International Trade Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

(2) Upon request of the President or upon its own motion, the United States International Trade Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the reduction or termination of the increase in, or imposition of, any duty or other import restriction pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951.

(3) Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(4) In advising the President under this subsection as to the probable economic effect on the industry concerned, the United States International Trade Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

(5) Advice by the United States International Trade Commission under this subsection shall be given on the basis of an investigation during the course of which the United States International Trade Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard.

(e) Conformity of trade agreements with this section

The President, as soon as practicable, shall take such action as he determines to be necessary to bring trade agreements entered into under section 1351 of this title into conformity with the provisions of this section. No trade agreement shall be entered into under section 1821(a) of this title unless such agreement permits action in conformity with the provisions of this section.

(Pub. L. 87-794, title III, § 351, Oct. 11, 1962, 76 Stat. 899; Pub. L. 93-618, title I, § 171, title VI, § 602(c), (d), Jan. 3, 1975, 88 Stat. 2009, 2072.)

References in Text

Section 1901 of this title, referred to in subsec. (a), was repealed by Pub. L. 93-618, title VI, § 602(d), (e), Jan. 3, 1975, 88 Stat. 2072, and is now covered by section 2251 et seq. of this title.

Section 1886 of this title, referred to in subsec. (b), was repealed by Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072, and is now covered by section 2481 of this title.

Section 7 of the Trade Agreements Extension Act of 1951, referred to in subsecs. (c)(1) and (d)(1), (2), was classified to section 1364 of this title, and was repealed by section 257(e)(1) of Pub. L. 87-794.

Amendments

1975—Subsec. (c)(1)(B). Pub. L. 93-618, § 602(c), substituted "unless extended under section 2253 of this title." for "unless extended under paragraph (2),".

Subsec. (c)(2). Pub. L. 93-618, § 602(d), struck out subsec. (c)(2) which provided for the extension of increases in, or imposition of, duties or other import restrictions. See section 2253 of this title.

Subsec. (d)(3). Pub. L. 93-618, § 602(d), struck out subsec. (d)(3) which provided for notification to the President by the Tariff Commission, now the International Trade Commission, of the probable impact of the termination of duties or other import restrictions.

Change of Name

The United States Tariff Commission was renamed the United States International Trade Commission by Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009, which is classified to section 2231 of this title.

Status of Certain Changes in Tariff Schedules

Section 1(d) of Pub. L. 90-638, Oct. 24, 1968, 82 Stat. 1360, provided that: "The rates of duty in rate column numbered 1 [of item 662.18] of the Tariff Schedules of the United States (as amended by the subsections (a) and (c)) shall be treated as not having the status of statutory provisons enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party. The rate of duty in rate column numbered 1 of item 662.20 of the Tariff Schedules of the United States (as amended by subsection (a)) shall not supersede the staged rates of duty provided for such item in Annex III to Proclamation 3822, dated December 16, 1967 (32 Fed. Reg., No. 244, part II)."

Section 2(d) of Pub. L. 90-638, Oct. 24, 1968, 82 Stat. 1360, provided that:

"(1) for purposes of applying sections 256(4) [section 1886(4) of this title], 256(d) [section 1886(5) of this title], and 351(b) of the Trade Expansion Act of 1962 [subsec. (b) of this section] and section 350(c)(2)(A) of the Tariff Act of 1930 [section 1351(c)(2)(A) of this title]—

> "(A) the rates of duty in rate column numbered 1 of the Tariff Schedules of the United States [items 355.70, 356.30, and 359.30] (as changed by subsection (b)) shall be treated as the rates of duty existing on July 1, 1962; and
>
> "(B) the rates of duty in rate column numbered 2 of such Schedules (as changed by subsection (b)) shall be treated as the rates of duty existing on July 1, 1934.

"(2) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as amended by subsection (b)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party."

Section 2(c) of Pub. L. 90-564, Oct. 12, 1968, 82 Stat. 1001, provided that:

"(1) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 149.48 [of section 1202 of this title] (as added by the first section of this Act and amended by subsection (b) of this section) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

"(2) For purposes of section 351(b) of the Trade Expansion Act of 1962 [subsec. (b) of this section], the rate of duty in rate column numbered 2 of the Tariff Schedules of the United States for item 149.48 [of section 1202 of this title] (as added by the first section of this Act) shall be treated as the rate of duty existing on July 1, 1934."

Section 9 of Pub. L. 89-651, Oct. 14, 1966, 80 Stat. 902, provided that: "Any duty-free treatment provided for in this Act [see Short Title note set out preceding section 1202 of this title] shall, for purposes of title III of the Trade Expansion Act of 1962 (76 Stat. 883; 19 U.S.C., secs. 1901 to 1991) [this subchapter], be treated as a concession granted under a trade agreement: *Provided,* That any action taken pursuant to section 351 of such Act [this section] as the result of this section shall be consistent with obligations of the United States under trade agreements."

Section 4 of Pub. L. 89-388, Apr. 13, 1966, 80 Stat. 110, provided that:

"For purposes of applying paragraphs (4) and (5) of section 256 (19 U.S.C. 1886) and section 351(b) (19 U.S.C. 1981(b)) of the Trade Expansion Act of 1962 and section 350(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1351(c)(2)(A))—

> "(1) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States as

changed by this Act shall be treated as the rates of duty existing on July 1, 1962.

"(2) The rates of duty in rate column numbered 2 of such Schedules as changed by this Act shall be treated as the rates of duty existing on July 1, 1934."

Section 3 of Pub. L. 89-241, Oct. 7, 1965, 79 Stat. 933, provided that:

"(a) For purposes of applying paragraphs (4) and (5) of section 256 (19 U.S.C., sec. 1886) and section 351(b) (19 U.S.C., sec. 1981(b)) of the Trade Expansion Act of 1962 and section 350(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C., sec. 1351(c)(2)(A))—

"(1) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States as changed by this Act shall be treated as the rates of duty existing on July 1, 1962.

"(2) The rates of duty in rate column numbered 2 of such Schedules as changed by this Act shall be treated as the rates of duty existing on July 1, 1934.

"(b) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States as changed by this Act which are lower than the rates of duty in rate column numbered 2 of such Schedules for the corresponding items shall be treated—

"(1) as not having the status of statutory provisions enacted by the Congress, but

"(2) as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

"(c) The changes in part 2 of the Appendix to the Tariff Schedules of the United States made by section 30 of this Act [to items 923.75 and 923.77] shall be treated—

"(1) as not having the status of statutory provisions enacted by the Congress, but

"(2) as having been proclaimed by the President pursuant to paragraph (2) of section 102 of the Tariff Classification Act of 1962 (19 U.S.C., sec. 1202 note).

"(d) The changes in part 3 of the Appendix to the Tariff Schedules of the United States made by section 88 of this Act [to headnote 2(b), (c)] shall be treated—

"(1) as not having the status of statutory provisions enacted by the Congress, but

"(2) as having been proclaimed by the President pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C., sec. 624)."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1982, 2137, 2253, 2463 of this title.

§ 1982. Orderly marketing agreements; negotiation; regulations governing entry or withdrawal from warehouse

(a) After receiving an affirmative finding of the United States International Trade Commission under section 1901(b) of this title with respect to an industry, the President may, in lieu of exercising the authority contained in section 1981(a)(1) of this title but subject to the provisions of sections 1981(a)(2), (3), and (4) of this title, negotiate international agreements with foreign countries limiting the export from such countries and the import into the United States of the article causing or threatening to cause serious injury to such industry, whenever he determines that such action would be more appropriate to prevent or remedy serious injury to such industry than action under section 1981(a)(1) of this title.

(b) In order to carry out an agreement concluded under subsection (a) of this section, the President is authorized, to issue regulations governing the entry or withdrawal from warehouse of the article covered by such agreement. In addition, in order to carry out a multilateral agreement concluded under subsection (a) of this section among countries accounting for a significant part of world trade in the article covered by such agreement, the President is also authorized to issue regulations governing the entry or withdrawal from warehouse of the like article which is the product of countries not parties to such agreement.

(Pub. L. 87-794, title III, § 352, Oct. 11, 1962, 76 Stat. 901; Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009.)

REFERENCES IN TEXT

Section 1901, referred to in subsec. (a), was repealed by Pub. L. 93-618, title VI, § 602(d), (e), Jan. 3, 1975, 88 Stat. 2072, and is now covered by section 2251 et seq. of this title.

CHANGE OF NAME

The United States Tariff Commission was renamed the United States International Trade Commission by Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009, which is classified to section 2231 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section, concerning the issuance of regulations governing the entry, or withdrawal from warehouses for consumption, of articles pursuant to any orderly marketing agreement, delegated to the Secretary of Treasury, see section 5(b) of Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2253 of this title.

PART V—ADVISORY BOARD

§ 1991. Repealed. Pub. L. 93-618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Section, Pub. L. 87-794, title III, § 361, Oct. 11, 1962, 76 Stat. 901, established the Adjustment Assistance Advisory Board.

CHAPTER 8—AUTOMOTIVE PRODUCTS

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CHAPTER REFERRED TO IN D.C. CODE

This chapter is referred to in section 46-307 of the District of Columbia Code.

SUBCHAPTER I—STATEMENT OF PURPOSES

§ 2001. Congressional declaration of purposes

The purposes of this chapter are—

(1) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada signed on January 16, 1965 (hereinafter referred to as the "Agreement"), in order to strengthen the economic relations and expand trade in automotive products between the United States and Canada; and

(2) to authorize the implementation of such other international agreements providing for the mutual reduction or elimination of duties applicable to automotive products as the Government of the United States may hereafter enter into.

(Pub. L. 89-283, title I, § 102, Oct. 21, 1965, 79 Stat. 1016.)

REFERENCES IN TEXT

"This chapter", referred to in text, was in the original "this Act", meaning Pub. L. 89-283, Oct. 21, 1965, 79 Stat. 1016. For complete classification of this Act to the Code, see Short Title note set out below and Tables volume.

SHORT TITLE

Section 101 of Pub. L. 89-283 provided that: "This Act [which enacted this chapter, amended section 1202 of this title and Schedules 2, 3, 5, 6, and 7 of the Tariff Schedules of the United States, and enacted provisions set out as a note preceding section 1202 of this title] may be cited as the 'Automotive Products Trade Act of 1965'."

SUBCHAPTER II—BASIC AUTHORITIES

§ 2011. Implementation of the Agreement

(a) The President is authorized to proclaim the modifications of the Tariff Schedules of the United States provided for in title IV of this Act.

(b) At any time after the issuance of the proclamation authorized by subsection (a) of this section, the President is authorized to proclaim further modifications of the Tariff Schedules of the United States to provide for the duty-free treatment of any Canadian article which is original motor-vehicle equipment (as defined by such Schedules as modified pursuant to subsection (a) of this section) if he determines that the importation of such article is actually or potentially of commercial significance and that such duty-free treatment is required to carry out the Agreement.

(Pub. L. 89-283, title II, § 201, Oct. 21, 1965, 79 Stat. 1016.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

Title IV of this Act, referred to in subsec. (a), means title IV of Pub. L. 89-283 which amended section 1202 of this title and Schedules 2, 3, 5, 6, and 7 of the Tariff Schedules of the United States, and enacted provisions set out as a note preceding section 1202 of this title.

PROC. NO. 3682. IMPLEMENTATION OF AGREEMENT CONCERNING AUTOMOTIVE PRODUCTS

Proc. No. 3682, Oct. 21, 1965, 30 F.R. 13683, provided:

WHEREAS the United States and Canada on January 16, 1965, entered into an Agreement Concerning Automotive Products, which provides that Canada shall accord duty-free treatment to imports of certain automotive products of the United States and that, after enactment of implementing legislation, the United States shall accord duty-free treatment to certain automotive products of Canada retroactively to the earliest date administratively possible following the date on which the agreement has been implemented by Canada (art. II, 89th Cong. 1st sess., H. Rep. 537, 38);

WHEREAS the agreement of January 16, 1965, was implemented by Canada through the granting of the requisite duty-free treatment to United States products on January 18, 1965;

WHEREAS title II [sections 2011 to 2015 of this title] and IV [amending section 1202 of this title] of the Automotive Products Trade Act of 1965 have been enacted to provide for modifications of the Tariff Schedules of the United States (19 U.S.C. 1202) to implement the agreement of January 16, 1965, such modifications to enter into force in the manner proclaimed by the President (79 Stat. 1016);

WHEREAS sections 201(a) and 203 of the Automotive Products Trade Act of 1965 [subsec. (a) of this section and section 2013 of this title] authorize the President to proclaim the modifications of the Tariff Schedules of the United States provided for in sections 403, 404, and 405 of that Act [amending section 1202 of this title] with retroactive effect as of the earliest date after January 17, 1965, which he determines to be practicable, and section 401(b) of that Act provides that the rates of duty in column numbered 1 of the tariff schedules that are modified pursuant to such proclamation shall be treated as having been proclaimed by the President as being required to carry out a foreign trade agreement to which the United States is a party (79 Stat. 1016); and

WHEREAS I determine that the earliest date, after January 17, 1965, as of which it is practicable to give retroactive effect to this proclamation is January 18, 1965:

NOW, THEREFORE, I, LYNDON B. JOHNSON, under the authority vested in me by the Constitution and the statutes, particularly sections 201(a) and 203 of the Automotive Products Trade Act of 1965 [subsec. (a) of this section and section 2013 of this title], do proclaim (1) that the modifications of the Tariff Schedules of the United States provided for in sections 403 and 404 of that Act [amending section 1202 of this title] shall enter into force on the day following the date of this proclamation, and (2) that the modifications of the tariff schedules provided for in section 405 of that Act [amending section 1202 of this title] shall enter into force on December 20, 1965, effective with respect to articles which are or have been entered for consumption, or for warehouse, on or after January 18, 1965.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of October in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

LYNDON B. JOHNSON.

PROC. NO. 3743. IMPLEMENTATION OF AGREEMENT CONCERNING AUTOMOTIVE PRODUCTS

Proc. No. 3743, Sept. 8, 1966, 31 F.R. 12003, provided:

WHEREAS the United States and Canada on January 16, 1965, entered into an Agreement Concerning Automotive Products, which provides that Canada shall accord duty-free treatment to imports of certain automotive products of the United States and that, after enactment of implementing legislation, the United States shall accord duty-free treatment to certain automotive products of Canada retroactively to the earliest date administratively possible following the date on which the agreement has been implemented by Canada (art. II, 89th Cong. 1st sess., H. Rep. 537, 38);

WHEREAS, the agreement of January 16, 1965, was implemented by Canada through the granting of the requisite duty-free treatment to United States products on January 18, 1965;

WHEREAS titles II [sections 2011 to 2015 of this title] and IV of the Automotive Products Trade Act of 1965 [amending section 1202 of this title] have been enacted to provide for modifications of the Tariff Schedules of the United States (19 U.S.C. 1202) to implement the agreement of January 16, 1965, such modifications to enter into force in the manner proclaimed by the President (79 Stat. 1016);

WHEREAS sections 201 and 203 of the Automotive Products Trade Act of 1965 [this section and section 2013 of this title] authorize the President to proclaim such modifications of the Tariff Schedules of the United States as will provide for the duty-free treatment of Canadian articles which are original motor-vehicle equipment either if the modifications of such articles are set forth in title IV of that Act [amending section 1202 of this title] or if the President subsequently determines that the importation of the articles is actually or potentially of commercial significance and that such duty-free treatment is required by the agreement, such proclamation to provide for retroactive effect for such duty-free treatment as of the earliest date after January 17, 1965, which the President determines to be practicable;

WHEREAS, by Proclamation No. 3682 of October 21, 1965 (30 F.R. 13683), the President pursuant to sections 201 and 203 [this section and section 2013 of this title] proclaimed the modifications of the Tariff Schedules of the United States provided for in title IV of the Automotive Products Trade Act of 1965 [amending section 1202 of this title]; and

WHEREAS I determine (a) under subsection (b) of section 201 [subsection (b) of this section] that the importation of the Canadian articles which are original motor-vehicle equipment and which are dutiable under TSUS items 688.04, 688.06, and 688.15 is actually or potentially of commercial significance and that duty-free treatment of such Canadian articles is required to carry out the agreement of January 16, 1965, and (b) under section 203 [section 2013 of this title] that the earliest date, after January 17, 1965, as of which it is practicable to give retroactive effect to this proclamation is January 18, 1965:

NOW, THEREFORE, I, LYNDON B. JOHNSON, under the authority vested in me by the Constitution and the statutes, particularly sections 201(b) and 203 of the Automotive Products Trade Act of 1965 [subsection (b) of this section and section 2013 of this title] do proclaim that the Tariff Schedules of the United States are modified by inserting in proper numerical sequence new items 688.05, 688.07, and 688.16, each such item having the article description "If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6) . . ." subordinate to the immediately preceding article description and having "Free" in rate of duty column numbered 1. Such modifications shall enter into force on the day following the date of this proclamation and shall be effective with respect to articles which are or have been entered for consumption, or for warehouse, on or after January 18, 1965.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of September in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

[SEAL] LYNDON B. JOHNSON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2013, 2014, 2021 of this title.

§ 2012. Omitted

CODIFICATION

Section, Pub. L. 89-283, title II, § 202, Oct. 21, 1965, 79 Stat. 1016, which related to the modification of tariff schedules to implement duty free motor vehicle agreements and duty reduced or duty free automotive product agreements, the necessity for advice and public notice prior to negotiation of such agreements, the transmission to the Congress of copies of such agreements, and Presidential proclamations to implement such agreements, expired by its own terms on Oct. 22, 1965.

§ 2013. Effective date of proclamations

(a) Subject to subsection (b) of this section, the President is authorized, notwithstanding section 1514 of this title or any other provision of law, to give retroactive effect to any proclamation issued pursuant to section 2011 of this title as of the earliest date after January 17, 1965, which he determines to be practicable.

(b) In the case of liquidated customs entries, the retroactive effect pursuant to subsection (a) of this section of any proclamation shall apply only upon request therefor filed with the customs officer concerned on or before the 90th day after the date of such proclamation and subject to such other conditions as the President may specify.

(Pub. L. 89-283, title II, § 203, Oct. 21, 1965, 79 Stat. 1018.)

§ 2014. Termination of proclamations

The President is authorized at any time to terminate, in whole or in part, any proclamation issued pursuant to section 2011 or 2012 of this title.

(Pub. L. 89-283, title II, § 204, Oct. 21, 1965, 79 Stat. 1018.)

§ 2015. Special reports to Congress

(a) Report on required comprehensive review

No later than August 31, 1968, the President shall submit to the Senate and the House of Representatives a special report on the comprehensive review called for by Article IV(c) of the Agreement. In such report he shall advise the Congress of the progress made toward the achievement of the objectives of Article I of the Agreement.

(b) Report on increase on Canadian value added

Whenever the President finds that any manufacturer has entered into any undertaking, by reason of governmental action, to increase the Canadian value added of automobiles, buses, specified commercial vehicles, or original equipment parts produced by such manufacturer in Canada after August 31, 1968, he shall report such finding to the Senate and the House of Representatives. The President shall also report whether such undertaking is additional to undertakings agreed to in letters of undertaking submitted by such manufacturer before October 21, 1965.

(c) Recommendations

The reports provided for in subsections (a) and (b) of this section shall include recommendations for such further steps, including legislative action, if any, as may be necessary for the achievement of the purposes of the Agreement and this chapter.

(Pub. L. 89-283, title II, § 205, Oct. 21, 1965, 79 Stat. 1018.)

References in Text

"This chapter", referred to in subsec. (c), was in the original "this Act", meaning Pub. L. 89-283, Oct. 21, 1965, 79 Stat. 1016. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables volume.

SUBCHAPTER III—TARIFF ADJUSTMENT AND OTHER ADJUSTMENT ASSISTANCE

§ 2021. General authority

A petition may be filed for tariff adjustment or for a determination of eligibility to apply for adjustment assistance under title III of the Trade Expansion Act of 1962 [19 U.S.C. 1901 et seq.] as though the reduction or elimination of a duty proclaimed by the President pursuant to section 2011 or 2012 of this title were a concession granted under a trade agreement referred to in section 301 of the Trade Expansion Act of 1962 [19 U.S.C. 1901].

(Pub. L. 89-283, title III, § 301, Oct. 21, 1965, 79 Stat. 1018.)

References in Text

The Trade Expansion Act of 1962, referred to in text, is Pub. L. 87-794, Oct. 11, 1962, 76 Stat. 872. Title III of the Trade Expansion Act of 1962 is classified generally to subchapter III (§ 1901 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables volume.

Section 301 of the Trade Expansion Act of 1962, referred to in text, was classified to section 1901 of this title and was repealed by Pub. L. 93-618, title VI, § 602(d), (e), Jan. 3, 1975, 88 Stat. 2072, and is now covered by section 2251 et seq. of this title.

Section 2012 of this title, referred to in text, was omitted.

Codification

The words "subject to section 2022 of this title" were omitted in view of the omission of section 2022 of this title, which provided special authority after Oct. 21, 1965, and before July 1, 1968, for filing of petitions for determination by the President of eligibility to apply for adjustment assistance.

Section Referred to in Other Sections

This section is referred to in section 2022 of this title.

§ 2022. Omitted

Codification

Section, Pub. L. 89-283, title III, § 302, Oct. 21, 1965, 79 Stat. 1018, which set forth procedures for Presidential certification of petitions filed by firms or group of workers for determination of eligibility to apply for adjustment assistance after the 90th day after Oct. 21, 1965, and before July 1, 1968, has been omitted from this Code as obsolete. See section 2021 of this title for general authority for filing of petition.

Executive Order No. 11254

Executive Order No. 11254, Oct. 21, 1965, 30 F.R. 13569, formerly set out under this section, established the Automotive Agreement Adjustment Assistance Board to exercise the functions of the President under section 2022 of this title.

§ 2023. Adjustment assistance related to other agreements

At the time the President transmits to the Congress a copy of any agreement pursuant to section 2012(d)(1) of this title, he shall recommend to the Congress such legislative provisions concerning adjustment assistance to firms and workes as he determines to be appropriate in light of the anticipated economic impact of the reduction or elimination of duties provided for by such agreement.

(Pub. L. 89-283, title III, § 303, Oct. 21, 1965, 79 Stat. 1021.)

§ 2024. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary from time to time to carry out the provisions of this subchapter, which sums are authorized to be appropriated to remain available until expended.

(Pub. L. 89-283, title III, § 304, Oct. 21, 1965, 79 Stat. 1021.)

SUBCHAPTER IV—GENERAL PROVISIONS

§ 2031. Authorities; delegation of functions; rules and regulations

The head of any agency performing functions authorized by this chapter may—

(1) authorize the head of any other agency to perform any of such functions; and

(2) prescribe such rules and regulations as may be necessary to perform such functions.

(Pub. L. 89-283, title V, § 501, Oct. 21, 1965, 79 Stat. 1025.)

References in Text

"This chapter", referred to in text, was in the original "this Act", meaning Pub. L. 89-283, title I, Oct. 21, 1965, 79 Stat. 1016. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables volume.

§ 2032. Annual report to Congress

The President shall submit to the Congress an annual report on the implementation of this chapter. Such report shall include information regarding new negotiations, reductions or eliminations of duties, reciprocal concessions obtained, and other information relating to activities under this chapter. Such report shall also include information providing an evaluation of the Agreement and this chapter in relation to the total national interest, and specifically shall include, to the extent practicable, information with respect to—

(1) the production of motor vehicles and motor vehicle parts in the United States and Canada.

(2) the retail prices of motor vehicles and motor vehicle parts in the United States and Canada.

(3) employment in the motor vehicle industry and motor vehicle parts industry in the United States and Canada, and

(4) United States and Canadian trade in motor vehicles and motor vehicle parts, particularly trade between the United States and Canada.

(Pub. L. 89-283, title V, § 502, Oct. 21, 1965, 79 Stat. 1025.)

REFERENCES IN TEXT

"This chapter", referred to in text, was in the original "this Act", meaning Pub. L. 89-283, title I, Oct. 21, 1965, 79 Stat. 1016. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables volume.

§ 2033. Applicability of Anti-Dumping Act and antitrust laws

Nothing contained in this chapter shall be construed to affect or modify the provisions of the Anti-Dumping Act, 1921, or of any of the antitrust laws as designated in section 12 of title 15.

(Pub. L. 89-283, title V, § 503, Oct. 21, 1965, 79 Stat. 1026.)

REFERENCES IN TEXT

"This chapter", referred to in text, was in the original "this Act", meaning Pub. L. 89-283, title I, Oct. 21, 1965, 79 Stat. 1016. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables volume.

The Antidumping Act, 1921, referred to in text, is act May 27, 1921, ch. 14, 42 Stat. 11, which is classified to sections 160 to 171 of this title. For complete classification of this Act to the Code, see section 171 of this title and Tables volume.

CHAPTER 9—VISUAL AND AUDITORY MATERIALS OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL CHARACTER

Sec.
2051. Implementation of the Agreement; executive designation and duty of Federal agencies.
2052. Assistance from other Federal agencies; facilities and personnel.

§ 2051. Implementation of the Agreement; executive designation and duty of Federal agencies

The President of the United States is authorized to designate a Federal agency or agencies which shall be responsible for carrying out the provisions of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character and a related protocol of signature, opened for signature at Lake Success on July 15, 1949 (hereinafter in this chapter referred to as the "Agreement"). It shall be the duty of the Federal agency or agencies so designated to take appropriate measures for the carrying out of the provisions of the Agreement including the issuance of regulations.

(Pub. L. 89-634, § 1, Oct. 8, 1966, 80 Stat. 879.)

EX. ORD. NO. 11311. IMPLEMENTATION OF BEIRUT AGREEMENT RELATING TO AUDIO-VISUAL MATERIALS

Ex. Ord. No. 11311, Oct. 14, 1966, 31 F.R. 13413, provided:

By virtue of the authority vested in me as President of the United States, including the provisions of the Joint Resolution of October 8, 1966, Public Law 89-634 [this chapter and amendment to section 1202 of this title], and section 301 of Title 3 of the United States Code, I hereby order and proclaim that—

1. Pursuant to section 3(b) of the Joint Resolution, the amendments to the Tariff Schedules of the United States made by section 3(a) of the Joint Resolution shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on and after January 1, 1967.

2. Pursuant to the "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character", made at Beirut in 1948, the Joint Resolution, and headnote 1 to schedule 8, part 6 of the Tariff Schedules of the United States, the United States Information Agency is hereby designated as the agency to carry out the provisions of the Agreement and related protocol, and to make any determinations and to prescribe any regulations required by headnote 1.

LYNDON B. JOHNSON.

§ 2052. Assistance from other Federal agencies; facilities and personnel

Agencies of the Federal Government are authorized to furnish facilities and personnel for the purpose of assisting the agency or agencies designated by the President in carrying out the provisions of the Agreement.

(Pub. L. 89-634, § 2, Oct. 8, 1966, 80 Stat. 879.)

CHAPTER 10—CUSTOMS SERVICE

Sec.
2071. Establishment of Service; Commissioner; appointment.
2072. Assistant Commissioner and other officers and employees; duties of personnel.
2073. Transfer of personnel, etc., to United States Customs Service.
2074. Establishment of revolving fund for United States Customs Service.

§ 2071. Establishment of Service; Commissioner; appointment

There shall be in the Department of the Treasury a service to be known as the United States Customs Service, and a Commissioner of Customs. The Commissioner of Customs shall be at the head of the United States Customs Service, and the Commissioner of Customs shall be appointed by the Secretary of the Treasury.

(Mar. 3, 1927, ch. 348, § 1, 44 Stat. 1381; May 27, 1930, ch. 342, § 8, 46 Stat. 430; Ex. Ord. No. 6639, § 1a, Mar. 10, 1934.)

CODIFICATION

Provisions that fixed the compensation of the Commissioner have been omitted as obsolete. The position is now under the Executive Schedule, see section 5316 of Title 5, Government Organization and Employees.

Provisions that authorized appointment of the Commissioner "without regard to the civil service laws" were omitted as obsolete. The appointment is now subject to the civil service laws unless specifically excepted by such laws or by laws enacted subsequent to Executive Order No. 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5. The position is currently excepted from the civil service rules and regulations by Schedule C, see Part 213 of Title 5 of the Code of Federal Regulations.

Section was formerly classified to section 281 of Title 5 prior to the general revision and codification of

Title 5 by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

References to the Bureau of Prohibition and to the Commissioner of Prohibition were omitted as obsolete in view of the change of name of the Bureau of Prohibition to the Bureau of Industrial Alcohol by act May 27, 1930, and the abolition of the Bureau of Industrial Alcohol by Ex. Ord. No. 6639.

CHANGE OF NAME

The Bureau of Customs was redesignated the United States Customs Service pursuant to Treasury Department Order 165-23, Apr. 4, 1973, 38 F.R. 13037.

EFFECTIVE DATE

Section 7 of act Mar. 3, 1927, provided that: "This Act shall take effect April 1, 1927."

TRANSFER OF FUNCTIONS

With certain specified exceptions, all functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

All functions vested by law in the Attorney General, the Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States, were transferred to the Secretary of the Treasury by Reorg. Plan No. 2 of 1973, § 2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2072 of this title.

§ 2072. Officers and employees of service

(a) Appointment by Secretary of the Treasury

The Secretary of the Treasury is authorized to appoint, in the service established by section 2071 of this title, one assistant commissioner, three deputy commissioners, one chief clerk, and such attorneys and other officers and employees as he may deem necessary. One of the deputy commissioners of the United States Customs Service shall have charge of investigations. Appointments under this subsection shall be subject to the provisions of the civil service laws, and the salaries shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5.

(b) Absence or disability of Commissioner

The Secretary of the Treasury is authorized to designate an officer of the United States Customs Service to act as Commissioner of Customs, during the absence or disability of the Commissioner of Customs, or in the event that there is no Commissioner of Customs.

(c) Duties of personnel

The personnel of the United States Customs Service shall perform such duties as the Secretary of the Treasury may prescribe.

(Mar. 3, 1927, ch. 348, § 2, 44 Stat. 1381; May 27, 1930, ch. 342, § 8, 46 Stat. 430; June 17, 1930, ch. 497, title IV, § 650, 46 Stat. 762; Ex. Ord. No. 6639, § 1a, Mar. 10, 1934; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Sept. 3, 1954, ch. 1263, § 9, 68 Stat. 128.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (a), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

Section was formerly classified to section 281a of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

"Chapter 51 and subchapter III of chapter 53 of title 5" were substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1954—Subsec. (c). Act Sept. 3, 1954, eliminated references to the National Prohibition Act.

1949—Subsec. (a). Act Oct. 28, 1949, substituted reference to the Classification Act of 1949 for reference to the Classification Act of 1923.

REPEALS

Act Oct. 28, 1949, ch. 782, § 1106(a), 63 Stat. 972, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

CHANGE OF NAME

The Bureau of Prohibition and the Commissioner of Prohibition were redesignated the Bureau of Industrial Alcohol and the Commissioner of Industrial Alcohol, respectively, by act May 27, 1930.

The Bureau of Customs was redesignated the United States Customs Service by Treasury Department Order No. 165-23 effective Aug. 1, 1973.

TRANSFER OF FUNCTIONS

With certain specified exceptions, all functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees.

The Bureau of Industrial Alcohol and the office of Commissioner of Industrial Alcohol were abolished and the Commissioner's functions transferred to the Commissioner of Internal Revenue by Ex. Ord. No. 6639.

DEPUTY COMMISSIONER OF CUSTOMS

Act June 17, 1930, authorized the appointment of an additional deputy commissioner in the Bureau of Customs [now the United States Customs Service] in addition to the two deputy commissioners then authorized by law.

§ 2073. Transfer of personnel, etc., to United States Customs Service

(a) Repealed. Sept. 3, 1954, ch. 1263, § 10, 68 Stat. 1229.

(b) The records, property (including office equipment), and personnel of the Division of Customs are transferred to the United States Customs Service.

(Mar. 3, 1927, ch. 348, § 3, 44 Stat. 1382; Sept. 3, 1954, ch. 1263, § 10, 68 Stat. 1229.)

CODIFICATION

Section was formerly classified to section 281b of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Subsection (c) of section 3 of act March 3, 1927, abolished the Division of Customs and offices of directors and assistant directors of customs and Special Agency Service of the Customs.

AMENDMENTS

1954—Subsec. (a). Act Sept. 3, 1954, repealed subsec. (a) which related to the delegation of duty to Commissioner of Customs by Secretary of the Treasury.

CHANGE OF NAME

The Bureau of Customs was redesignated the United States Customs Service by Treasury Department Order No. 165-23 effective Aug. 1, 1973.

TRANSFER OF FUNCTIONS

With certain specified exceptions, all functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1643 of this title.

§ 2074. Establishment of revolving fund for United States Customs Service

There is established a revolving fund of $300,000 which shall be available, without fiscal year limitation exclusively for transfer to the appropriation for collecting the revenue from customs to cover obligations of the United States Customs Service arising from authorized reimbursable services, pending reimbursement from parties in interest: *Provided*, That amounts so transferred shall be returned to the revolving fund not later than six months after the close of the fiscal year in which transferred.

(June 30, 1949, ch. 286, title I, § 101, 63 Stat. 360.)

CODIFICATION

Section was formerly classified to section 281g of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89-554, Sept. 6, 1966, § 1, 80 Stat. 378.

CHANGE OF NAME

The Bureau of Customs was redesignated the United States Customs Service by Treasury Department Order No. 165-23 effective Aug. 1, 1973.

TRANSFER OF FUNCTIONS

With certain specified exceptions, all functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 11—IMPORTATION OF PRE-COLUMBIAN MONUMENTAL OR ARCHITECTURAL SCULPTURE OR MURALS

Sec.
2091. List of stone carvings and wall art; promulgation and revision; criteria for classification.
2092. Certification from country of origin of lawfulness of exportation; failure of consignee to present to customs officer certification or evidence of inapplicability of list; seizure of articles until filing of certification or evidence; time for filing; failure to file.
2093. Forfeiture of articles unlawfully imported into United States; disposal of articles.
2094. Rules and regulations.
2095. Definitions.

§ 2091. List of stone carvings and wall art; promulgation and revision; criteria for classification

The Secretary, after consultation with the Secretary of State, by regulation shall promulgate, and thereafter when appropriate shall revise, a list of stone carvings and wall art which are pre-Columbian monumental or architectural sculpture or murals within the meaning of paragraph (3) of section 2095 of this title. Such stone carvings and wall art may be listed by type or other classification deemed appropriate by the Secretary.

(Pub. L. 92-587, title II, § 201, Oct. 27, 1972, 86 Stat. 1297.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2092 of this title.

§ 2092. Certification from country of origin of lawfulness of exportation; failure of consignee to present to customs officer certification or evidence of inapplicability of list; seizure of articles until filing of certification or evidence; time for filing; failure to file

(a) No pre-Columbian monumental or architectural sculpture or mural which is exported (whether or not such exportation is to the United States) from the country of origin after the effective date of the regulation listing such sculpture or mural pursuant to section 2091 of this title may be imported into the United States unless the government of the country of origin of such sculpture or mural issues a certificate, in a form acceptable to the Secretary, which certifies that such exportation was not in violation of the laws of that country.

(b) If the consignee of any pre-Columbian monumental or architectural sculpture or mural is unable to present to the customs officer concerned at the time of making entry of such sculpture or mural—

(1) the certificate of the government of the country of origin required under subsection (a) of this section;

(2) satisfactory evidence that such sculpture or mural was exported from the country of origin on or before the effective date of the regulation listing such sculpture or mural pursuant to section 2091 of this title; or

(3) satisfactory evidence that such sculpture or mural is not covered by the list promulgated under section 2091 of this title;

the customs officer concerned shall take the sculpture or mural into customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until such certificate or evidence is filed with such officer. If such certificate or evidence is not presented within the 90-day period after the date on which such sculpture or mural is taken into customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the importation of such sculpture or mural into the United States is in violation of this chapter.

(Pub. L. 92-587, title II, § 202, Oct. 27, 1972, 86 Stat. 1297.)

CODIFICATION

References to section 202 of Pub. L. 92-587 in the original were translated as section 2091 of this title in the classification of Pub. L. 92-587 as the probable intent of Congress.

§ 2093. Forfeiture of articles unlawfully imported into United States; disposal of articles

(a) Any pre-Columbian monumental or architectural sculpture or mural imported into the United States in violation of this chapter shall be seized and subject to forfeiture under the customs laws.

(b) Any pre-Columbian monumental or architectural sculpture or mural which is forfeited to the United States shall—

(1) first be offered for return to the country of origin and shall be returned if that country bears all expenses incurred incident to such return and complies with such other requirements relating to the return as the Secretary shall prescribe; or

(2) if not returned to the country of origin, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

(Pub. L. 92-587, title II, § 203, Oct. 27, 1972, 86 Stat. 1297.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to this title.

§ 2094. Rules and regulations

The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter.

(Pub. L. 92-587, title II, § 204, Oct. 27, 1972, 86 Stat. 1297.)

§ 2095. Definitions

For the purposes of this chapter—

(1) The term "Secretary" means the Secretary of the Treasury.

(2) The term "United States" includes the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) The term "pre-Columbian monumental or architectural sculpture or mural" means—

(A) any stone carving or wall art which—

(i) is the product of a pre-Columbian Indian culture of Mexico, Central America, South America, or the Caribbean Islands;

(ii) was an immobile monument or architectural structure or was a part of, or affixed to, any such monument or structure; and

(iii) is subject to export control by the country of origin; or

(B) any fragment or part of any stone carving or wall art described in subparagraph (A) of this paragraph.

(4) The term "country of origin", as applied to any pre-Columbian monumental or architectural sculpture or mural, means the country where such sculpture or mural was first discovered.

(Pub. L. 92-587, title II, § 205, Oct. 27, 1972, 86 Stat. 1297.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2091 of this title.

CHAPTER 12—TRADE ACT OF 1974

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  (a) Presidential authority to enter into agreement; modification or continuance of existing duties.
  (b) Limitation on authority to decrease duty.
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  (b) Presidential determinations prerequisite to entry into trade agreements.
  (c) Presidential consultation with Congress prior to entry into trade agreements.
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2118. Access to supplies.
2119. Staging requirements and rounding authority.
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    (a) Presidential proclamations of temporary import surcharges and temporary limitations on imports through quotas in situations of fundamental international payments problems.
    (b) Import restrictions not imposed when contrary to national interest of United States.
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    (f) Quantitative limitations.
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    (h) Termination of tariff concessions.
2133. Compensation authority.
    (a) New concessions.
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    (c) Consideration of past violations of trade concessions.
    (d) Basic authority for trade agreements as authority for granting new concessions as compensation.
2134. Two-year residual authority to negotiate duties.
    (a) Trade agreements.
    (b) Maximum volume of imported articles subject to reduction of duties or continuance of duty-free or excise treatment.
    (c) Maximum reduction in duties.
    (d) Two-year period of authority.
2135. Termination and withdrawal authority.
    (a) Grant of authority for termination or withdrawal at end of period specified in agreement.
    (b) Authority to terminate proclamations at any time.
    (c) Increased duties or other import restrictions following withdrawal, suspension, or modification of obligations with respect to trade of foreign countries or instrumentalities.
    (d) Retaliatory authority.
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2136. Reciprocal nondiscrimination treatment.
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    (b) Presidential determination of whether major industrial countries have made substantially equivalent concessions to the United States.
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    (b) Advice to President following receipt of list by Commission.
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  - (c) Findings prerequisite to Presidential action in response to foreign subsidies on exports to United States.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1352 of this title.

§ 2101. Short title

This chapter may be cited as the "Trade Act of 1974".

(Pub. L. 93-618, § 1, Jan. 3, 1975, 88 Stat. 1978.)

REFERENCES IN TEXT

This "chapter", referred to in text, was in the original this "Act", meaning Pub. L. 93-618, which in addition to enacting this chapter enacted section 1863 of this title, amended sections 160, 162, 163, 164, 170a, 1202, 1303, 1315, 1321, 1330, 1332, 1333, 1337, 1352, 1484, 1516, 1806, 1862, 1872, 1885, and 1981 of this title, sections 5312, 5314, 5315, and 5316 of Title 5, Government Organization and Employees, section 301 of Title 13, Census, section 3302 of Title 26, Internal Revenue Code, sections 2631 and 2632 of Title 28, Judiciary and Judicial Procedure, and section 665 of Title 31, Money and Finance, repealed sections 1802, 1803, 1804, 1805, 1822, 1831, 1832, 1833, 1841, 1842, 1843, 1844, 1845, 1846, 1861, 1871, 1873, 1882, 1883, 1884, 1886, 1901, 1902, 1911, 1912, 1913, 1914, 1915, 1917, 1931, 1941, 1942, 1943, 1944, 1951, 1952, 1961, 1962, 1963, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, and 1991 of this title, and enacted provisions set out as notes under this section and sections 160, 162, 1303, 1321, 1337, 1484, 1515, 1516, 1901, and 2271 of this title and section 301 of Title 13, Census.

REFERENCES IN OTHER LAWS DEEMED REFERENCES TO TRADE ACT OF 1974

Section 602(f) of Pub. L. 93-618 provided that: "All provisions of law (other than this Act [this chapter], the Trade Expansion Act of 1962 [chapter 7 of this title], and the Trade Agreements Extension Act of 1951 [see Short Title note under section 1360 of this title]), in effect after the date of enactment of this Act [Jan. 3, 1975], refering to section 350 of the Tariff Act of 1930 [section 1351 of this title], to that section as amended, to the Act entitled 'An Act to amend the Tariff Act of 1930,' approved June 12, 1934 [enacting sections 1352, 1353, and 1354 and amending section 1351 of this title], to that Act as amended or to the

Trade Expansion Act of 1962, or to agreements entered into, or proclamations issued, or actions taken under any of such provisions, shall be construed, unless clearly precluded by the context, to refer also to this Act, or to agreements entered into or proclamations or orders issued, pursuant to this Act."

SEPARABILITY OF PROVISIONS

Section 605 of Pub. L. 93-618 provided that: "If any provision of this Act [see References in Text note above], or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act, and of the application of such provision to other circumstances or persons, shall not be affected thereby."

§ 2102. Congressional statement of purpose

The purposes of this chapter are, through trade agreements affording mutual benefits—

(1) to foster the economic growth of and full employment in the United States and to strengthen economic relations between the United States and foreign countries through open and nondiscriminatory world trade;

(2) to harmonize, reduce, and eliminate barriers to trade on a basis which assures substantially equivalent competitive opportunities for the commerce of the United States;

(3) to establish fairness and equity in international trading relations, including reform of the General Agreement on Tariffs and Trade;

(4) to provide adequate procedures to safeguard American industry and labor against unfair or injurious import competition, and to assist industries, firm,[1] workers, and communities to adjust to changes in international trade flows;

(5) to open up market opportunities for United States commerce in nonmarket economies; and

(6) to provide fair and reasonable access to products of less developed countries in the United States market.

(Pub. L. 93-618, § 2, Jan. 3, 1975, 88 Stat. 1981.)

REFERENCES IN TEXT

"This chapter," referred to in text, in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

SUBCHAPTER I—NEGOTIATING AND OTHER AUTHORITY

PART 1—RATES OF DUTY AND OTHER TRADE BARRIERS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2151 to 2154 of this title.

§ 2111. Basic authority for trade agreements

(a) Presidential authority to enter into agreement; modification or continuance of existing duties

Whenever the President determines that any existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes of this chapter will be promoted thereby, the President—

(1) during the 5-year period beginning on January 3, 1975, may enter into trade agreements with foreign countries or instrumentalities thereof; and

(2) may proclaim such modification or continuance of any existing duty, such continuance of existing duty-free or excise treatment, or such additional duties, as he determines to be required or appropriate to carry out any such trade agreement.

(b) Limitation on authority to decrease duty

(1) Except as provided in paragraph (2), no proclamation pursuant to subsection (a)(2) of this section shall be made decreasing a rate of duty to a rate below 40 percent of the rate existing on January 1, 1975.

(2) Paragraph (1) shall not apply in the case of any article for which the rate of duty existing on January 1, 1975, is not more than 5 percent ad valorem.

(c) Limitation on authority to increase duty

No proclamation shall be made pursuant to subsection (a)(2) of this section increasing any rate of duty to, or imposing a rate above, the higher of the following:

(1) the rate which is 50 percent above the rate set forth in rate column numbered 2 of the Tariff Schedules of the United States as in effect on January 1, 1975, or

(2) the rate which is 20 percent ad valorem above the rate existing on January 1, 1975.

(Pub. L. 93-618, title I, § 101, Jan. 3, 1975, 88 Stat. 1982.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (a), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

The Tariff Schedules of the United States, referred to in subsec. (c)(1), are set out in section 1202 of this title.

EX. ORD. NO. 11846. ADMINISTRATION OF TRADE AGREEMENTS PROGRAM

Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, as amended by Ex. Ord. No. 11894, Jan. 3, 1976, 41 F.R. 1041; Ex. Ord. No. 11947, Nov. 8, 1976, 41 F.R. 49799, provided:

By virtue of the authority vested in me by the Trade Act of 1974, hereinafter referred to as the Act (Public Law 93-618, 88 Stat. 1978) [this chapter], the Trade Expansion Act of 1962, as amended (19 U.S.C. 1801), Section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *The Trade Agreements Program.* The "trade agreements program" includes all activities consisting of, or related to, the negotiation or administration of international agreements which primarily concern trade and which are concluded pursuant to the authority vested in the President by the Constitution, Section 350 of the Tariff Act of 1930 [section 1351 of this title], as amended, the Trade Expansion Act of 1962, as amended [section 1801 et seq. of this title], or the Act [this chapter].

SEC. 2. *The Special Representative for Trade Negotiations.*

(a) The Special Representative for Trade Negotiations, hereinafter referred to as the Special Representative, in addition to the functions conferred upon him by the Act [this chapter], including Section 141 thereof [section 2171 of this title], and in addition to the functions and responsibilities set forth in this Order, shall be responsible for such other functions as the President may direct.

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[1] So in original.

(b) The Special Representative, except where otherwise expressly provided by statute, Executive order, or instructions of the President, shall be the chief representative of the United States for each negotiation under the trade agreements program and shall participate in other negotiations which may have a direct and significant impact on trade.

(c) The Special Representative shall prepare, for the President's transmission to Congress, the annual report on the trade agreements program required by Section 163(a) of the Act [section 2213(a) of this title]. At the request of the Special Representative, other agencies shall assist in the preparation of that report.

(d) The Special Representative, except where expressly otherwise provided or prohibited by statute, Executive order, or instructions of the President, shall be responsible for the proper administration of the trade agreements program, and may, as he deems necessary, assign to the head of any Executive agency or body the performance of his duties which are incidental to the administration of the trade agreements program.

(e) The Special Representative shall consult with the Trade Policy Committee in connection with the performance of his functions, including those established or delegated by this Order and shall, as appropriate, consult with other Federal agencies or bodies. With respect to the performance of his functions under Title IV of the Act [section 2431 et seq. of this title], including those established or delegated by this Order, the Special Representative shall also consult with the East-West Foreign Trade Board.

(f) The Special Representative shall be responsible for the preparation and submission of any Proclamation which relates wholly or primarily to the trade agreements program. Any such Proclamation shall be subject to all the provisions of Executive Order No. 11030, as amended [set out as a note under section 1505 of Title 44, Public Printing and Documents] except that such Proclamation need not be submitted to the Director of the Office of Management and Budget.

(g) The Secretary of State shall advise the Special Representative, and the Committee, on the foreign policy implications of any action under the trade agreements program. The Special Representative shall invite appropriate departments to participate in trade negotiations of particular interest to such departments, and the Department of State shall participate in trade negotiations which have a direct and significant impact on foreign policy.

SEC. 3. *The Trade Policy Committee.*

(a) As provided by Section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872), as amended by Section 602(b) of the Act, there is established the Trade Policy Committee, hereinafter referred to as the Committee. The Committee shall be composed of:

(1) The Special Representative, who shall be Chairman.

(2) The Secretary of State.

(3) The Secretary of the Treasury.

(4) The Secretary of Defense.

(5) The Attorney General.

(6) The Secretary of the Interior.

(7) The Secretary of Agriculture.

(8) The Secretary of Commerce.

(9) The Secretary of Labor.

(10) The Assistant to the President for Economic Affairs.

(11) The Executive Director of the Council on International Economic Policy.

Each member of the Committee may designate an officer of his agency, whose status is not below that of an Assistant Secretary, to serve in his stead, when he is unable to attend any meetings of the Committee. The Chairman, as he deems appropriate, may invite representatives from other agencies to attend the meetings of the Committee.

(b) The Committee shall have the functions conferred by the Trade Expansion Act of 1962, as amended [section 1801 et seq. of this title], upon the interagency organization referred to in Section 242 thereof, as amended [section 1872 of this title], the functions delegated to it by the provisions of this Order, and such other functions as the President may from time to time direct. Recommendations and advice of the Committee shall be submitted to the President by the Chairman.

(c) The recommendations made by the Committee under Section 242(b)(1) of the Trade Expansion Act of 1962, as amended [section 1872(b)(1) of this title], with respect to basic policy issues arising in the administration of the trade agreements program, as approved or modified by the President, shall guide the administration of the trade agreements program. The Special Representative or any other officer who is chief representative of the United States in a negotiation in connection with the trade agreements program shall keep the Committee informed with respect to the status and conduct of negotiations and shall consult with the Committee regarding the basic policy issues arising in the course of negotiations.

(d) Before making recommendations to the President under Section 242(b)(2) of the Trade Expansion Act of 1962, as amended [section 1872(b)(2) of this title], the Committee shall, through the Special Representative, request the advice of the Adjustment Assistance Coordinating Committee, established by Section 281 of the Act [section 2392 of this title].

(e) A copy of each determination, and the action taken with respect thereto, together with the record which the United States International Trade Commission, hereinafter referred to as the International Trade Commission, is required to transmit to the President, under the terms of Section 337(g)(1) of the Tariff Act of 1930, as amended [section 1337(g)(1) of this title], shall be transmitted to the President through the Special Representative.

(f) The Committee shall advise the President as to what action, if any, he should take under Section 337(g) of the Tariff Act of 1930, as amended by Section 341 of the Act [section 1337 of this title], relating to unfair practices in import trade.

(g) The Trade Expansion Act Advisory Committee established by Section 4 of Executive Order No. 11075 of January 15, 1963, is abolished and all of its records are transferred to the Trade Policy Committee.

SEC. 4. *Trade Negotiations Under Title I of the Act.*

(a) The functions of the President under Section 102 of the Act [section 2112 of this title] concerning notice to, and consultation with, Congress, in connection with agreements on nontariff barriers to, and other distortions of, trade, are hereby delegated to the Special Representative.

(b) The Special Representative, after consultation with the Committee, shall prepare, for the President's transmission to Congress, all proposed legislation and other documents necessary or appropriate for the implementation of, or otherwise required in connection with, trade agreements; provided, however, that where implementation of an agreement on nontariff barriers to, and other distortions of, trade requires a change in a domestic law, the department or agency having the primary interest in the administration of such domestic law shall prepare and transmit to the Special Representative the proposed legislation necessary or appropriate for such implementation.

(c) The functions of the President under Section 131(a) of the Act [section 2151(a) of this title], with respect to publishing and furnishing to the International Trade Commission lists of articles, are delegated to the Special Representative. The functions of the

President under Section 131(c) of the Act [section 2151(c) of this title] with respect to advice of the International Trade Commission and under Section 132 of the Act [section 2152 of this title] with respect to advice of the departments of the Federal Government and other sources, are delegated to the Special Representative. The functions of the President under Section 133 of the Act [section 2153 of this title] with respect to public hearings in connection with certain trade negotiations are delegated to the Special Representative, who shall designate an interagency committee to hold and conduct any such hearings.

(d) The functions of the President under Section 135 of the Act [section 2155 of this title] with respect to advisory committees and, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (86 Stat. 770, 5 U.S.C. App.), except that of reporting annually to Congress, which are applicable to advisory committees under the Act [this chapter] are delegated to the Special Representative. In establishing and organizing general policy advisory committees or sector advisory committees under Section 135(c) of the Act [section 2155(c) of this title], the Special Representative shall act through the Secretaries of Commerce, Labor and Agriculture, as appropriate.

(e) The functions of the President with respect to determining ad valorem amounts and equivalents pursuant to Sections 601(3) and (4) of the Act [section 2481(3) and (4) of this title] are hereby delegated to the Special Representative. The International Trade Commission is requested to advise the Special Representative with respect to determining such ad valorem amounts and equivalents. The Special Representative shall seek the advice of the Commission and consult with the Committee with respect to the determination of such ad valorem amounts and equivalents.

(f) Advice of the International Trade Commission under Section 131 of the Act [section 2151 of this title], and other advice or reports by the International Trade Commission to the President or the Special Representative, the release or disclosure of which is not specifically authorized or required by law, shall not be released or disclosed in any manner or to any extent not specifically authorized by the President or by the Special Representative.

(g) All reports, findings, advice, determinations, hearing transcripts, briefs, and information which, under the terms of the Act [this chapter], the International Trade Commission is required to furnish to the President shall be transmitted to the President through the Special Representative.

SEC. 5. *Import Relief and Market Disruption.*

(a) The Special Representative is authorized to request from the International Trade Commission the information specified in Sections 202(d) and 203(i)(1) and (2) of the Act [sections 2252(d) and 2253(i)(1) and (2) of this title].

(b) The Secretary of the Treasury, in consultation with the Secretary of Commerce or the Secretary of Agriculture, as appropriate, is authorized to issue, under Section 203(g) of the Act [section 2253(g) of this title], regulations governing the administration of any quantitative restrictions proclaimed in order to provide import relief and is authorized to issue, under Section 203(g) of the Act or 352(b) of the Trade Expansion Act of 1962 [section 1982(b) of this title], regulations governing the entry, or withdrawal from warehouses for consumption, of articles pursuant to any orderly marketing agreement.

(c) The Secretary of Commerce shall exercise primary responsibility for monitoring imports under any orderly marketing agreement.

SEC. 6. *Unfair Trade Practices.*

(a) The Special Representative, acting through an interagency committee which he shall designate for such purpose, shall provide the opportunity for the presentation of views, under Sections 301(d)(1) and 301(e)(1) of the Act [section 2411(d)(1) and (e)(1) of this title], with respect to unfair or unreasonable foreign trade practices and with respect to the United States response thereto.

(b) The Special Representative shall provide for appropriate public hearings under Section 301(e)(2) of the Act [section 2411(e)(2) of this title]; and, shall issue regulations concerning the filing of requests for, and the conduct of, such hearings.

(c) The Special Representative is authorized to request, pursuant to Section 301(e)(3) of the Act [section 2411(e)(3) of this title], from the International Trade Commission, its views as to the probable impact on the economy of the United States of any action under Section 301(a) of the Act [section 2411(a) of this title].

SEC. 7. *East-West Foreign Trade Board.*

(a) In accordance with Section 411 of the Act [section 2441 of this title], there is hereby established the East-West Foreign Trade Board, hereinafter referred to as the Board. The Board shall be composed of the following members and such additional members of the Executive branch as the President may designate:

(1) The Secretary of State.
(2) The Secretary of the Treasury.
(3) The Secretary of Defense.
(4) The Secretary of Agriculture.
(5) The Secretary of Commerce.
(6) The Special Representative for Trade Negotiations.
(7) The Director of the Office of Management and Budget.
(8) The Executive Director of the Council on International Economic Policy.
(9) The President of the Export-Import Bank of the United States.
(10) The Assistant to the President for Economic Affairs.

The President shall designate the Chairman and the Deputy Chairman of the Board. The President may designate an Executive Secretary, who shall be Chairman of a working group which will include membership from the agencies represented on the Board.

(b) The Board shall perform such functions as are required by Section 411 of the Act [section 2441 of this title] and such other functions as the President may direct.

(c) The Board is authorized to promulgate such rules and regulations as are necessary or appropriate to carry out its responsibilities under the Act [this chapter] and this Order.

(d) The Secretary of State shall advise the President with respect to determinations required to be made in connection with Sections 402 and 409 of the Act (dealing with freedom of emigration) [sections 2432 and 2439 of this title] and Section 403 (dealing with United States personnel missing in action in Southeast Asia) [section 2433 of this title], and shall prepare, for the President's transmission to Congress, the reports and other documents required by Sections 402 and 409 of the Act.

(e) The President's Committee on East-West Trade Policy, established by Executive Order No. 11789 of June 25, 1974, as amended by Section 6(d) of Executive Order No. 11808 of September 30, 1974, is abolished and all of its records are transferred to the Board.

SEC. 8. *Generalized System of Preferences.*

(a) The Special Representative, in consultation with the Secretary of State, shall be responsible for the administration of the generalized system of preferences under Title V of the Act [section 2461 et seq. of this title].

(b) The Committee, through the Special Representative, shall advise the President as to which countries should be designated as beneficiary developing countries, and as to which articles should be designated as eligible articles for the purposes of the system of generalized preferences.

(c) The Committee, through the Special Representative, shall perform the functions of the President specified in Section 503(a) of the Act [section 2463(a) of this title], with respect to publishing and furnishing to the International Trade Commission lists of articles that may be considered for designation as eligible articles for purposes of the Generalized System of Preferences.

(d) The Committee, through the Special Representative, to the extent necessary to determine the applicability of the provisions of Section 504(d) of the Act [section 2464(d) of this title] to any eligible article, shall perform the functions of the President under Section 332(g) of the Tariff Act of 1930, as amended [section 1332(g) of this title], with respect to requests for investigations by, and reports from, the International Trade Commission.

SEC. 9. *Prior Executive Orders.*

(a) Executive Order No. 11789 of June 25, 1974, and Section 6(d) of Executive Order No. 11808 of September 30, 1974, relating to the President's Committee on East-West Trade Policy are hereby revoked.

(b)(1) Sections 5(b), 7, and 8 of Executive Order No. 11075 of January 15, 1963, are hereby revoked effective April 3, 1975; (2) the remainder of Executive Order No. 11075, and Executive Order No. 11106 of April 18, 1963 and Executive Order No. 11113 of June 13, 1963, are hereby revoked.

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2113 to 2116, 2119, 2133, 2134, 2155, 2463 of this title.

§ 2112. Nontariff barriers to and other distortions of trade

(a) Congressional findings; directives; disavowal of prior approval of legislation

The Congress finds that barriers to (and other distortions of) international trade are reducing the growth of foreign markets for the products of United States agriculture, industry, mining, and commerce, diminishing the intended mutual benefits of reciprocal trade concessions, adversely affecting the United States economy, preventing fair and equitable access to supplies, and preventing the development of open and nondiscriminatory trade among nations. The President is urged to take all appropriate and feasible steps within his power (including the full exercise of the rights of the United States under international agreements) to harmonize, reduce, or eliminate such barriers to (and other distortions of) international trade. The President is further urged to utilize the authority granted by subsection (b) of this section to negotiate trade agreements with other countries and instrumentalities providing on a basis of mutuality for the harmonization, reduction, or elimination of such barriers to (and other distortions of) international trade. Nothing in this subsection shall be construed as prior approval of any legislation which may be necessary to implement an agreement concerning barriers to (or other distortions of) international trade.

(b) Presidential determinations prerequisite to entry into trade agreements

Whenever the President determines that any barriers to (or other distortions of) international trade of any foreign country or the United States unduly burden and restrict the foreign trade of the United States or adversely affect the United States economy, or that the imposition of such barriers is likely to result in such a burden, restriction, or effect, and that the purposes of this chapter will be promoted thereby, the President, during the 5-year period beginning on January 3, 1975, may enter into trade agreements with foreign countries or instrumentalities providing for the harmonization, reduction, or elimination of such barriers (or other distortions) or providing for the prohibition of or limitations on the imposition of such barriers (or other distortions).

(c) Presidential consultation with Congress prior to entry into trade agreements

Before the President enters into any trade agreement under this section providing for the harmonization, reduction, or elimination of a barrier to (or other distortion of) international trade, he shall consult with the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and with each committee of the House and the Senate and each joint committee of the Congress which has jurisdiction over legislation involving subject matters which would be affected by such trade agreement. Such consultation shall include all matters relating to the implementation of such trade agreement as provided in subsections (d) and (e) of this section. If it is proposed to implement such trade agreement, together with one or more other trade agreements entered into under this section, in a single implementing bill, such consultation shall include the desirability and feasibility of such proposed implementation.

(d) Submission to Congress of agreements, drafts of implementing bills, and statements of proposed administrative action

Whenever the President enters into a trade agreement under this section providing for the harmonization, reduction, or elimination of a barrier to (or other distortion of) international trade, he shall submit such agreement, together with a draft of an implementing bill (described in section 2191(b) of this title) and a statement of any administrative action proposed to implement such agreement, to the Congress as provided in subsection (e) of this section, and such agreement shall enter into force with respect to the United States only if the provisions of subsection (e) of this section are complied with and the implementing bill submitted by the President is enacted into law.

(e) Steps prerequisite to entry into force of trade agreements

Each trade agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if (and only if)—

(1) the President, not less than 90 days before the day on which he enters into such trade agreement, notifies the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(2) after entering into the agreement, the President transmits a document to the House of Representatives and to the Senate containing a copy of such agreement together with—

(A) a draft of an implementing bill and a statement of any administrative action proposed to implement such agreement, and an explanation as to how the implementing bill and proposed administrative action change or affect existing law, and

(B) a statement of his reasons as to how the agreement serves the interests of

United States commerce and as to why the implementing bill and proposed administrative action is required or appropriate to carry out the agreement; and

(3) the implementing bill is enacted into law.

(f) Obligations imposed upon foreign countries or instrumentalities receiving benefits under trade agreements

To insure that a foreign country or instrumentality which receives benefits under a trade agreement entered into under this section is subject to the obligations imposed by such agreement, the President may recommend to Congress in the implementing bill and statement of administrative action submitted with respect to such agreement that the benefits and obligations of such agreement apply solely to the parties to such agreement, if such application is consistent with the terms of such agreement. The President may also recommend with respect to any such agreement that the benefits and obligations of such agreement not apply uniformly to all parties to such agreement, if such application is consistent with the terms of such agreement.

(g) Definitions

For purposes of this section—

(1) the term "barrier" includes the American selling price basis of customs evaluation as defined in section 1401a or 1402 of this title, as appropriate;

(2) the term "distortion" includes a subsidy; and

(3) the term "international trade" includes trade in both goods and services.

(Pub. L. 93-618, title I, § 102, Jan. 3, 1975, 88 Stat. 1982.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (b), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1303, 2113 to 2118, 2136, 2151, 2155, 2191, 2194 of this title.

§ 2113. Overall negotiating objective

The overall United States negotiating objective under sections 2111 and 2112 of this title shall be to obtain more open and equitable market access and the harmonization, reduction, or elimination of devices which distort trade or commerce. To the maximum extent feasible, the harmonization, reduction, or elimination of agricultural trade barriers and distortions shall be undertaken in conjunction with the harmonization, reduction, or elimination of industrial trade barriers and distortions.

(Pub. L. 93-618, title I, § 103, Jan. 3, 1975, 88 Stat. 1984.)

§ 2114. Sector negotiating objectives

(a) Obtaining equivalent competitive opportunities

A principal United States negotiating objective under sections 2111 and 2112 of this title shall be to obtain, to the maximum extent feasible, with respect to appropriate product sectors of manufacturing, and with respect to the agricultural sector, competitive opportunities for United States exports to the developed countries of the world equivalent to the competitive opportunities afforded in United States markets to the importation of like or similar products, taking into account all barriers (including tariffs) to and other distortions of international trade affecting that sector.

(b) Conduct of negotiations on basis of appropriate product sectors of manufacturing

As a means of achieving the negotiating objective set forth in subsection (a) of this section, to the extent consistent with the objective of maximizing overall economic benefit to the United States (through maintaining and enlarging foreign markets for products of United States agriculture, industry, mining, and commerce, through the development of fair and equitable market opportunities, and through open and nondiscriminatory world trade), negotiations shall, to the extent feasible be conducted on the basis of appropriate product sectors of manufacturing.

(c) Identification of appropriate product sectors of manufacturing

For the purposes of this section and section 2155 of this title, the Special Representative for Trade Negotiations together with the Secretary of Commerce, Agriculture, or Labor, as appropriate, shall, after consultation with the Advisory Committee for Trade Negotiations established under section 2155 of this title and after consultation with interested private organizations, identify appropriate product sectors of manufacturing.

(d) Presidential analysis of how negotiating objectives are achieved in each product sector by trade agreements

If the President determines that competitive opportunities in one or more product sectors will be significantly affected by a trade agreement concluded under section 2111 or 2112 of this title he shall submit to the Congress with each such agreement an analysis of the extent to which the negotiating objective set forth in subsection (a) of this section is achieved by such agreement in each product sector or product sectors.

(Pub. L. 93-618, title I, § 104, Jan. 3, 1975, 88 Stat. 1984.)

§ 2115. Bilateral trade agreements

If the President determines that bilateral trade agreements will more effectively promote the economic growth of, and full employment in, the United States, then, in such cases, a negotiating objective under sections 2111 and 2112 of this title shall be to enter into bilateral trade agreements. Each such trade agreement shall provide for mutually advantageous economic benefits.

(Pub. L. 93-618, title I, § 105, Jan. 3, 1975, 88 Stat. 1984.)

§ 2116. Agreements with developing countries

A United States negotiating objective under sections 2111 and 2112 of this title shall be to enter into trade agreements which promote the economic growth of both developing countries and the United States and the mutual expansion of market opportunities.

(Pub. L. 93-618, title I, § 106, Jan. 3, 1975, 88 Stat. 1985.)

§ 2117. International safeguard procedures

(a) A principal United States negotiating objective under section 2112 of this title shall be to obtain internationally agreed upon rules and procedures, in the context of the harmonization, reduction, or elimination of barriers to, and other distortions of, international trade, which permit the use of temporary measures to ease adjustment to changes occurring in competitive conditions in the domestic markets of the parties to an agreement resulting from such negotiations due to the expansion of international trade.

(b) Any agreement entered into under section 2112 of this title may include provisions establishing procedures for—

(1) notification of affected exporting countries,
(2) international consultations,
(3) international review of changes in trade flows,
(4) making adjustments in trade flows as the result of such changes, and
(5) international mediation.

Such agreements may also include provisions which—

(A) exclude, under specified conditions, the parties thereto from compensation obligations and retaliation, and
(B) permit domestic public procedures through which interested parties have the right to participate.

(Pub. L. 93-618, title I, § 107, Jan. 3, 1975, 88 Stat. 1985.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2131 of this title.

§ 2118. Access to supplies

(a) A principal United States negotiating objective under section 2112 of this title shall be to enter into trade agreements with foreign countries and instrumentalities to assure the United States of fair and equitable access at reasonable prices to supplies of articles of commerce which are important to the economic requirements of the United States and for which the United States does not have, or cannot easily develop, the necessary domestic productive capacity to supply its own requirements.

(b) Any agreement entered into under section 2112 of this title may include provisions which—

(1) assure to the United States the continued availability of important articles at reasonable prices, and
(2) provide reciprocal concessions or comparable trade obligations, or both, by the United States.

(Pub. L. 93-618, title I, § 108, Jan. 3, 1975, 88 Stat. 1985.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2462 of this title.

§ 2119. Staging requirements and rounding authority

(a) Maximum aggregate reductions in rates of duty

Except as otherwise provided in this section, the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement under section 2111 of this title shall not exceed the aggregate reduction which would have been in effect on such day if—

(1) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed pursuant to section 2111(a)(2) of this title to carry out such agreement with respect to such article, and
(2) a reduction equal to the amount applicable under paragraph (1) had taken effect at 1-year intervals after the effective date of such first reduction.

This subsection shall not apply in any case where the total reduction in the rate of duty does not exceed 10 percent of the rate before the reduction.

(b) Simplification of computation

If the President determines that such action will simplify the computation of the amount of duty imposed with respect to an article, he may exceed the limitation provided by section 2111(b) of this title or subsection (a) of this section by not more than whichever of the following is lesser:

(1) the difference between the limitation and the next lower whole number, or
(2) one-half of 1 percent ad valorem.

(c) Ten-year period for commencement of reductions in rates of duty

(1) No reduction in the rate of duty on any article pursuant to a trade agreement under section 2111 of this title shall take effect more than 10 years after the effective date of the first reduction proclaimed to carry out such trade agreement with respect to such article.

(2) If any part of a reduction takes effect, then any time thereafter during which such part of the reduction is not in effect by reason of legislation of the United States or action thereunder, the effect of which is to maintain or increase the rate of duty on an article, shall be excluded in determining—

(A) the 1-year intervals referred to in subsection (a)(2) of this section, and
(B) the expiration of the 10-year period referred to in paragraph (1) of this subsection.

(Pub. L. 93-618, title I, § 109, Jan. 3, 1975, 88 Stat. 1985.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2133, 2134, 2151 of this title.

PART 2—OTHER AUTHORITY

§ 2131. Steps to be taken toward GATT revision

(a) Bringing existing trade agreements into conformity with principles promoting open, nondiscriminatory, and fair world economic system

The President shall, as soon as practicable, take such action as may be necessary to bring trade agreements heretofore entered into, and the application thereof, into conformity with principles promoting the development of an open, nondiscriminatory, and fair world economic system. The action and principles referred to in the preceding sentence include, but are not limited to, the following—

(1) the revision of decisionmaking procedures in the General Agreement on Tariffs and Trade (hereinafter in this subsection referred to as "GATT") to more nearly reflect the balance of economic interests,

(2) the revision of article XIX of the GATT into a truly international safeguard procedure which takes into account all forms of import restraints countries use in response to injurious competition or threat of such competition,

(3) the extension of GATT articles to conditions of trade not presently covered in order to move toward more fair trade practices,

(4) the adoption of international fair labor standards and of public petition and confrontation procedures in the GATT,

(5) the revision of GATT articles with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct rather than indirect taxes for revenue needs,

(6) the revision of the balance-of-payments provision in the GATT articles so as to recognize import surcharges as the preferred means by which industrial countries may handle balance-of-payments deficits insofar as import restraint measures are required,

(7) the improvement and strengthening of the provisions of GATT and other international agreements governing access to supplies of food, raw materials, and manufactured or semi-manufactured products, including rules and procedures governing the imposition of export controls, the denial of fair and equitable access to such supplies, and effective consultative procedures on problems of supply shortages,

(8) the extension of the provisions of GATT or other international agreements to authorize multilateral procedures by contracting parties with respect to member or nonmember countries which deny fair and equitable access to supplies of food, raw materials, and manufactured or semi-manufactured products, and thereby substantially injure the international community.

(9) any revisions necessary to establish procedures for regular consultation among countries and instrumentalities with respect to international trade and procedures to adjudicate commercial disputes among such countries or instrumentalities,

(10) any revisions necessary to apply the principles of reciprocity and nondiscrimination, including the elimination of special preferences and reverse preferences, to all aspects of international trade,

(11) any revisions necessary to define the forms of subsidy to industries producing products for export and the forms of subsidy to attract foreign investment which are consistent with an open, nondiscriminatory, and fair system of international trade, and

(12) consistent with the provisions of section 2117 of this title, any revisions necessary to establish within the GATT an international agreements[1] on articles (including footwear), including the creation of regular and institutionalized mechanisms for the settlement of disputes, and of a surveillance body to monitor all international shipments in such articles.

(b) Agreements with foreign countries or instrumentalities

The President shall, to the extent feasible, enter into agreements with foreign countries or instrumentalities to establish the principles described in subsection (a) of this section with respect to international trade between the United States and such countries or instrumentalities.

(c) Changes in Federal law through legislation implementing trade agreements

If the President enters into a trade agreement which establishes rules or procedures, including those set forth in subsection (a) of this section, promoting the development of an open, nondiscriminatory, and fair world economic system and if the implementation of such agreement will change any provision of Federal law (including a material change in an administrative rule), such agreement shall take effect with respect to the United States only if the appropriate implementing legislation is enacted by the Congress unless implementation of such agreement is effected pursuant to authority delegated by Congress. Such trade agreement may be submitted to the Congress for approval in accordance with the procedures of section 2191 of this title. Nothing in this section shall be construed as prior approval of any legislation necessary to implement a trade agreement entered into under this section.

(d) Authorization of appropriations

There are authorized to be appropriated annually such sums as may be necessary for the payment by the United States of its share of the expenses of the Contracting Parties to the General Agreement on Tariffs and Trade. This authorization does not imply approval or disapproval by the Congress of all articles of the General Agreement on Tariffs and Trade.

(Pub. L. 93-618, title I, § 121, Jan. 3, 1975, 88 Stat. 1986.)

§ 2132. Balance-of-payments authority

(a) Presidential proclamations of temporary import surcharges and temporary limitations on imports through quotas in situations of fundamental international payments problems

Whenever fundamental international payments problems require special import measures to restrict imports—

(1) to deal with large and serious United States balance-of-payments deficits.

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[1] So in original.

(2) to prevent an imminent and significant depreciation of the dollar in foreign exchange markets, or

(3) to cooperate with other countries in correcting an international balance-of-payments disequilibrium,

the President shall proclaim, for a period not exceeding 150 days (unless such period is extended by Act of Congress)—

(A) a temporary import surcharge, not to exceed 15 percent ad valorem, in the form of duties (in addition to those already imposed, if any) on articles imported into the United States;

(B) temporary limitations through the use of quotas on the importation of articles into the United States; or

(C) both a temporary import surcharge described in subparagraph (A) and temporary limitations described in subparagraph (B).

The authority delegated under subparagraph (B) (and so much of subparagraph (C) as relates to subparagraph (B)) may be exercised (i) only if international trade or monetary agreements to which the United States is a party permit the imposition of quotas as a balance-of-payments measure, and (ii) only to the extent that the fundamental imbalance cannot be dealt with effectively by a surcharge proclaimed pursuant to subparagraph (A) or (C). Any temporary import surcharge proclaimed pursuant to subparagraph (A) or (C) shall be treated as a regular customs duty.

(b) Import restrictions not imposed when contrary to national interest of United States

If the President determines that the imposition of import restrictions under subsection (a) of this section will be contrary to the national interest of the United States, then he may refrain from proclaiming such restrictions and he shall—

(1) Immediately inform Congress of his determination, and

(2) immediately convene the group of congressional official advisers designated under section 2211(a) of this title and consult with them as to the reasons for such determination.

(c) Presidential proclamations liberalizing imports

Whenever the President determines that fundamental international payments problems require special import measures to increase imports—

(1) to deal with large and persistent United States balance-of-trade surpluses, as determined on the basis of the cost-insurance-freight value of imports, as reported by the Bureau of the Census, or

(2) to prevent significant appreciation of the dollar in foreign exchange markets,

the President is authorized to proclaim, for a period of 150 days (unless such period is extended by Act of Congress)—

(A) a temporary reduction (of not more than 5 percent ad valorem) in the rate of duty on any article; and

(B) a temporary increase in the value or quantity of articles which may be imported under any import restriction, or a temporary suspension of any import restriction.

Import liberalizing actions proclaimed pursuant to this subsection shall be of broad and uniform application with respect to product coverage except that the President shall not proclaim measures under this subsection with respect to those articles where in his judgment such action will cause or contribute to material injury to firms or workers in any domestic industry, including agriculture, mining, fishing, or commerce, or to impairment of the national security, or will otherwise be contrary to the national interest.

(d) Nondiscriminatory treatment of import restricting actions

(1) Import restricting actions proclaimed pursuant to subsection (a) of this section shall be applied consistently with the principle of nondiscriminatory treatment. In addition, any quota proclaimed pursuant to subparagraph (B) of subsection (a) of this section shall be applied on a basis which aims at a distribution of trade with the United States approaching as closely as possible that which various foreign countries might have expected to obtain in the absence of such restrictions.

(2) Notwithstanding paragraph (1), if the President determines that the purposes of this section will best be served by action against one or more countries having large or persistent balance-of-payments surpluses, he may exempt all other countries from such action.

(3) After such time when there enters into force for the United States new rules regarding the application of surcharges as part of a reform of internationally agreed balance-of-payments adjustment procedures, the exemption authority contained in paragraph (2) shall be applied consistently with such new international rules.

(4) It is the sense of Congress that the President seek modifications in international agreements aimed at allowing the use of surcharges in place of quantitative restrictions (and providing rules to govern the use of such surcharges) as a balance-of-payments adjustment measure within the context of arrangements for an equitable sharing of balance-of-payments adjustment responsibility among deficit and surplus countries.

(e) Broad and uniform application of import restricting actions

Import restricting actions proclaimed pursuant to subsection (a) of this section shall be of broad and uniform application with respect to product coverage except where the President determines, consistently with the purposes of this section, that certain articles should not be subject to import restricting actions because of the needs of the United States economy. Such exceptions shall be limited to the unavailability of domestic supply at reasonable prices, the necessary importation of raw materials, avoiding serious dislocations in the supply of imported goods, and other similar factors. In addition, uniform exceptions may be made where import restricting actions will be unnecessary or ineffective in carrying out the purposes of this section, such as with respect to articles already subject to import restrictions, goods in transit, or goods under binding contract. Neither the authorization of import restricting actions nor the determination of exceptions with respect to product coverage shall be made for the purpose of protecting individual domestic industries from import competition.

(f) Quantitative limitations

Any quantitative limitation proclaimed pursuant to subparagraph (B) or (C) of subsection (a) of this section on the quantity or value, or both, of an article—

(1) shall permit the importation of a quantity or value which is not less than the quantity or value of such article imported into the United States from the foreign countries to which such limitation applies during the most recent period which the President determines is representative of imports of such article, and

(2) shall take into account any increase since the end of such representative period in domestic consumption of such article and like or similar articles of domestic manufacture or production.

(g) Suspension, modification, or termination of proclamations

The President may at any time, consistent with the provisions of this section, suspend, modify, or terminate, in whole or in part, any proclamation under this section either during the initial 150-day period of effectiveness or as extended by subsequent Act of Congress.

(h) Termination of tariff concessions

No provision of law authorizing the termination of tariff concessions shall be used to impose a surcharge on imports into the United States.

(Pub. L. 93-618, title I, § 122, Jan. 3, 1975, 88 Stat. 1987.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2137 of this title.

§ 2133. Compensation authority

(a) New concessions

Whenever any action has been taken under section 2253 of this title to increase or impose any duty or other import restriction, the President—

(1) may enter into trade agreements with foreign countries or instrumentalities for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and

(2) may proclaim such modification or continuance of any existing duty, or such continuance of existing duty-free or excise treatment, as he determines to be required or appropriate to carry out any such agreement.

(b) Reductions in rates of duty

(1) No proclamation shall be made pursuant to subsection (a) of this section decreasing any rate of duty to a rate which is less than 70 percent of the existing rate of duty.

(2) Where the rate of duty in effect at any time is an intermediate stage under section 2119 of this title, the proclamation made pursuant to subsection (a) of this section may provide for the reduction of each rate of duty at each such stage proclaimed under section 2111 of this title by not more than 30 percent of such rate of duty, and may provide for a final rate of duty which is not less than 70 percent of the rate of duty proclaimed as the final stage under section 2111 of this title.

(3) If the President determines that such action will simplify the computation of the amount of duty imposed with respect to an article, he may exceed the limitations provided by paragraphs (1) and (2) of this subsection by not more than the lesser of—

(A) the difference between such limitation and the next lower whole number, or

(B) one-half of 1 percent ad valorem.

(4) Any concessions granted under subsection (a)(1) of this section shall be reduced and terminated according to substantially the same time schedule for reduction applicable to the relevant import relief under section 2253(h) of this title.

(c) Consideration of past violations of trade concessions

Before entering into any trade agreement under this section with any foreign country or instrumentality, the President shall consider whether such country or instrumentality has violated trade concessions of benefit to the United States and such violation has not been adequately offset by the action of the United States or by such country or instrumentality.

(d) Basic authority for trade agreements as authority for granting new concessions as compensation

Notwithstanding the provisions of subsection (a) of this section, the authority delegated under section 2111 of this title shall be used for the purpose of granting new concessions as compensation within the meaning of this section until such authority terminates.

(Pub. L. 93-618, title I, § 123, Jan. 3, 1975, 88 Stat. 1989.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151 to 2154, 2212 of this title.

§ 2134. Two-year residual authority to negotiate duties

(a) Trade agreements

Whenever the President determines that any existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes of this chapter will be promoted thereby, the President—

(1) may enter into trade agreements with foreign countries or instrumentalities thereof, and

(2) may proclaim such modification or continuance of any existing duty, such continuance of existing duty-free or excise treatment, or such additional duties, as he determines to be required or appropriate to carry out any such trade agreement.

(b) Maximum volume of imported articles subject to reduction of duties or continuance of duty-free or excise treatment

Agreements entered into under this section in any 1-year period shall not provide for the reduction of duties, or the continuance of duty-free or excise treatment, for articles which account for more than 2 percent of the value of United States imports for the most recent 12-month period for which import statistics are available.

(c) Maximum reduction in duties

(1) No proclamation shall be made pursuant to subsection (a) of this section decreasing any rate of duty to a rate which is less than 80 percent of the existing rate of duty.

(2) No proclamation shall be made pursuant to subsection (a) of this section decreasing or increasing any rate of duty to a rate which is lower or higher than the corresponding rate which would have resulted if the maximum authority granted by section 2111 of this title with respect to such article had been exercised.

(3) Where the rate of duty in effect at any time is an intermediate stage under section 2119 of this title, the proclamation made pursuant to subsection (a) of this section may provide for the reduction of each rate of duty at each such stage proclaimed under section 2111 of this title by not more than 20 percent of such rate of duty, and, subject to the limitation in paragraph (2), may provide for a final rate of duty which is not less than 80 percent of the rate of duty proclaimed as the final stage under section 2111 of this title.

(4) If the President determines that such action will simplify the computation of the amount of duty imposed with respect to an article, he may exceed the limitations provided by paragraphs (1) and (2) of this subsection by not more than the lesser of—

(A) the difference between such limitation and the next lower whole number, or

(B) one-half of 1 percent ad valorem.

(d) Two-year period of authority

Agreements may be entered into under this section only during the 2-year period which immediately follows the close of the period during which agreements may be entered into under section 2111 of this title.

(Pub. L. 93-618, title I, § 124, Jan. 3, 1975, 88 Stat. 1990.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (a), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151 to 2154, 2212 of this title.

§ 2135. Termination and withdrawal authority

(a) Grant of authority for termination or withdrawal at end of period specified in agreement

Every trade agreement entered into under this chapter shall be subject to termination, in whole or in part, or withdrawal, upon due notice, at the end of a period specified in the agreement. Such period shall be not more than 3 years from the date on which the agreement becomes effective. If the agreement is not terminated or withdrawn from at the end of the period so specified, it shall be subject to termination or withdrawal thereafter upon not more than 6 months' notice.

(b) Authority to terminate proclamations at any time

The President may at any time terminate, in whole or in part, any proclamation made under this chapter.

(c) Increased duties or other import restrictions following withdrawal, suspension, or modification of obligations with respect to trade of foreign countries or instrumentalities

Whenever the United States, acting in pursuance of any of its rights or obligations under any trade agreement entered into pursuant to this chapter, section 1821 of this title, or section 1351 of this title, withdraws, suspends, or modifies any obligation with respect to the trade of any foreign country or instrumentality thereof, the President is authorized to proclaim increased duties or other import restrictions, to the extent, at such times, and for such periods as he deems necessary or appropriate, in order to exercise the rights or fulfill the obligations of the United States. No proclamation shall be made under this subsection increasing any existing duty to a rate more than 50 percent above the rate set forth in rate column numbered 2 of the Tariff Schedules of the United States, as in effect on January 1, 1975, or 20 percent ad valorem above the rate existing on January 1, 1975, whichever is higher.

(d) Retaliatory authority

Whenever any foreign country or instrumentality withdraws, suspends, or modifies the application of trade agreement obligations of benefit to the United States without granting adequate compensation therefor, the President, in pursuance of rights granted to the United States under any trade agreement and to the extent necessary to protect United States economic interests (including United States balance of payments), may—

(1) withdraw, suspend, or modify the application of substantially equivalent trade agreement obligations of benefit to such foreign country or instrumentality, and

(2) proclaim under subsection (c) of this section such increased duties or other import restrictions as are appropriate to effect adequate compensation from such foreign country or instrumentality.

(e) Continuation of duties or other import restrictions after termination of or withdrawal from agreements

Duties or other import restrictions required or appropriate to carry out any trade agreement entered into pursuant to this chapter, section 1821 of this title, or section 1351 of this title shall not be affected by any termination, in whole or in part, of such agreement or by the withdrawal of the United States from such agreement and shall remain in effect after the date of such termination or withdrawal for 1 year, unless the President by proclamation provides that such rates shall be restored to the level at which they would be but for the agreement. Within 60 days after the date of any such termination or withdrawal, the President shall transmit to the Congress his recommendations as to the appropriate rates of duty for all articles which were affected by the termination or withdrawal or would have been so affected but for the preceding sentence.

(f) Public hearings

Before taking any action pursuant to subsection (b), (c), or (d) of this section, the President shall provide for a public hearing during the course of which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard, unless he determines that such prior hearings will be contrary to the national interest because of the need for expeditious action, in which case he shall provide for a public hearing promptly after such action.

(Pub. L. 93-618, title I, § 125, Jan. 3, 1975, 88 Stat. 1991.)

REFERENCES IN TEXT

"This chapter", referred to in subsecs. (b), (c), (e), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

The Tariff Schedules of the United States, referred to in subsec. (c), are set out in section 1202 of this title.

§ 2136. Reciprocal nondiscrimination treatment

(a) Direct and indirect imports

Except as otherwise provided in this chapter or in any other provision of law, any duty or other import restriction or duty-free treatment proclaimed in carrying out any trade agreement under this subchapter shall apply to products of all foreign countries, whether imported directly or indirectly.

(b) Presidential determination of whether major industrial countries have made substantially equivalent concessions to the United States

The President shall determine, after the conclusion of all negotiations entered into under this chapter or at the end of the 5-year period beginning on January 3, 1975, whichever is earlier, whether any major industrial country has failed to make concessions under trade agreements entered into under this chapter which provide competitive opportunities for the commerce of the United States in such country substantially equivalent to the competitive opportunities, provided by concessions made by the United States under trade agreements entered into under this chapter, for the commerce of such country in the United States.

(c) Recommendations to Congress for legislation following a Presidential determination that a major industrial country has failed to grant equivalent concessions

If the President determines under subsection (b) of this section that a major industrial country has not made concessions under trade agreements entered into under this chapter which provide substantially equivalent competitive opportunities for the commerce of the United States, he shall, either generally with respect to such country or by article produced by such country, in order to restore equivalence of competitive opportunities, recommend to the Congress—

(1) legislation providing for the termination or denial of the benefits of concessions of trade agreements entered into under this chapter made with respect to rates of duty or other import restrictions by the United States; and

(2) that any legislation necessary to carry out any trade agreement under section 2112 of this title shall not apply to such country.

(d) Major industrial countries

For purposes of this section, "major industrial country" means Canada, the European Economic Community, the individual member countries of such Community, Japan, and any other foreign country designated by the President for purposes of this subsection.

(Pub. L. 93-618, title I, § 126, Jan. 3, 1975, 88 Stat. 1992.)

REFERENCES IN TEXT

"This chapter", referred to in subsecs. (a) to (c), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2253 of this title.

§ 2137. Reservation of articles for national security or other reasons

(a) No proclamation shall be made pursuant to the provisions of this chapter reducing or eliminating the duty or other import restriction on any article if the President determines that such reduction or elimination would threaten to impair the national security.

(b) While there is in effect with respect to any article any action taken under section 2253 of this title, or section 1862 or 1981 of this title, the President shall reserve such article from negotiations under this subchapter (and from any action under section 2132(c) of this title) contemplating reduction or elimination of—

(A) any duty on such article,

(B) any import restriction imposed under such section, or

(C) any other import restriction, the removal of which will be likely to undermine the effect of the import restrictions referred to in subparagraph (B).

In addition, the President shall also so reserve any other article which he determines to be appropriate, taking into consideration information and advice available pursuant to and with respect to the matters covered by sections 2151, 2152, and 2153 of this title, where applicable.

(Pub. L. 93-618, title I, § 127(a), (b), Jan. 3, 1975, 88 Stat. 1993.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (a), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

CODIFICATION

Section is comprised of subsecs. (a) and (b) of section 127 of act Jan. 3, 1975. Subsec. (c) of such section was classified to section 1863 of this title and subsec. (d) amended section 1862 of this title.

PART 3—HEARINGS AND ADVICE CONCERNING NEGOTIATIONS

§ 2151. Advice from International Trade Commission

(a) Lists of articles which may be considered for modification or continuance of duties, duty-free or excise treatment, or additional duties

In connection with any proposed trade agreement under part 1 of this subchapter or section 2133 or 2134 of this title, the President shall from time to time publish and furnish the International Trade Commission (hereafter in this section referred to as the "Commission") with lists of articles which may be considered for modification or continuance of United States duties, continuance of United States duty-free or excise treatment, or additional duties. In the case of any article with respect to which consideration may be given to reducing or increasing the rate of duty, the list shall specify the provision of this subchapter pursuant to which such consideration may be given.

(b) Advice to President following receipt of list by Commission

Within 6 months after receipt of such a list or, in the case of a list submitted in connection with a trade agreement authorized under section 2133 of this title, within 90 days after receipt of such list, the Commission shall advise the President with respect to each article of its judgment as to the probable economic effect of modifications of duties on industries producing like or directly competitive articles and on consumers, so as to assist the President in making an informed judgment as to the impact which might be caused by such modifications on United States manufacturing, agriculture, mining, fishing, labor, and consumers. Such advice may include in the case of any article the advice of the Commission as to whether any reduction in the rate of duty should take place over a longer period than the minimum periods provided by section 2119(a) of this title.

(c) Additional investigations and reports requested by President

In addition, in order to assist the President in his determination of whether to enter into any agreement under section 2112 of this title, the Commission shall make such investigations and reports as may be requested by the President, including, where feasible, advice as to the probable economic effects of modifications of any barrier to (or other distortion of) international trade on domestic industries and purchasers and on prices and quantities of articles in the United States.

(d) Commission steps in preparing its advice to the President

In preparing its advice to the President under this section, the Commission shall, to the extent practicable—

(1) investigate conditions, causes, and effects relating to competition between the foreign industries producing the articles in question and the domestic industries producing the like or directly competitive articles;

(2) analyze the production, trade, and consumption of each like or directly competitive article, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production;

(3) describe the probable nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned which it believes such modifications would cause; and

(4) make special studies (including studies of real wages paid in foreign supplying countries), whenever deemed to be warranted, of particular proposed modifications affecting United States manufacturing, agriculture, mining, fishing, labor, and consumers, utilizing to the fullest extent practicable United States Government facilities abroad and appropriate personnel of the United States.

(e) Public hearings

In preparing its advice to the President under this section, the Commission shall, after reasonable notice, hold public hearings.

(Pub. L. 93-618, title I, § 131, Jan. 3, 1975, 88 Stat. 1994.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2137, 2153, 2154, 2212, 2463 of this title.

§ 2152. Advice from Executive Departments and other sources

Before any trade agreement is entered into under part 1 of this subchapter or section 2133 or 2134 of this title, the President shall seek information and advice with respect to such agreement from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State and the Treasury, from the Special Representative for Trade Negotiations, and from such other sources as he may deem appropriate.

(Pub. L. 93-618, title I, § 132, Jan. 3, 1975, 88 Stat. 1995.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2137, 2463 of this title.

§ 2153. Public hearings

(a) In connection with any proposed trade agreement under part 1 of this subchapter or section 2133 or 2134 of this title, the President shall afford an opportunity for any interested person to present his views concerning any article on a list published pursuant to section 2151 of this title, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to such proposed trade agreement. For this purpose, the President shall designate an agency or an interagency committee which shall, after reasonable notice, hold public hearings and prescribe regulations governing the conduct of such hearings.

(b) The organization holding such hearings shall furnish the President with a summary thereof.

(Pub. L. 93-618, title I, § 133, Jan. 3, 1975, 88 Stat. 1995.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2137, 2154, 2463 of this title.

§ 2154. Prerequisites for offers

In any negotiations seeking an agreement under part 1 of this subchapter or section 2133 or 2134 of this title, the President may make an offer for the modification or continuance of any United States duty, import restrictions, or barriers to (or other distortions of) international trade, the continuance of United States duty-free or excise treatment, or the imposition of additional duties, import restriction, or other barrier to (or other distortion of) international trade, with respect to any article only after he has received a summary of the hearings at which an opportunity to be heard with respect to such article has been afforded under section 2153 of this title. In addition, the President may make an offer for the modification or continuance of any United States duty, the continuance of United States duty-free or excise treatment, or the imposition of additional duties, with respect to any article included in a list published and furnished under section 2151(a) of this title, only after he has received advice concerning such article from the International Trade Commission under section 2151(b) of this title, or after the expiration of the 6-month or 90-day period provided for in that section, as appropriate, whichever first occurs.

(Pub. L. 93-618, title I, § 134, Jan. 3, 1975, 88 Stat. 1995.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2463 of this title.

§ 2155. Advice from private sector

(a) Information and advice before entering into trade agreements

The President, in accordance with the provisions of this section, shall seek information and advice from representative elements of the private sector with respect to negotiating objectives and bargaining positions before entering into a trade agreement referred to in section 2111 or 2112 of this title.

(b) Advisory Committee for Trade Negotiations

(1) The President shall establish an Advisory Committee for Trade Negotiations to provide overall policy advice on any trade agreement referred to in section 2111 or 2112 of this title. The Committee shall be composed of not more than 45 individuals, and shall include representatives of government, labor, industry, agriculture, small business, service industries, retailers, consumer interests, and the general public.

(2) The Committee shall meet at the call of the Special Representative for Trade Negotiations, who shall be the Chairman. The Committee shall terminate upon submission of its report required under subsection (e)(2) of this section. Members of the Committee shall be appointed by the President for a period of 2 years and may be reappointed for one or more additional periods.

(3) The Special Representative for Trade Negotiations shall make available to the Committee such staff, information, personnel, and administrative services and assistance as it may reasonably require to carry out its activities.

(c) General policy advisory committees; sector advisory committees

(1) The President may, on his own initiative or at the request of organizations representing industry, labor, or agriculture, establish general policy advisory committees for industry, labor, and agriculture, respectively, to provide general policy advice on any trade agreement referred to in section 2111 or 2112 of this title. Such committees shall, insofar as practicable, be representative of all industry, labor, or agricultural interests (including small business interests), respectively, and shall be organized by the President acting through the Special Representative for Trade Negotiations and the Secretaries of Commerce, Labor, and Agriculture, as appropriate.

(2) The President shall, on his own initiative or at the request of organizations in a particular sector, establish such industry, labor, or agricultural sector advisory committees as he determines to be necessary for any trade negotiations referred to in section 2111 or 2112 of this title. Such committees shall, so far as practicable, be representative of all industry, labor, or agricultural interests including small business interests in the sector concerned. In organizing such committees the President, acting through the Special Representative for Trade Negotiations and the Secretary of Commerce, Labor, or Agriculture, as appropriate, (A) shall consult with interested private organizations, and (B) shall take into account such factors as patterns of actual and potential competition between United States industry and agriculture and foreign enterprise in international trade, the character of the nontariff barriers and other distortions affecting such competition, the necessity for reasonable limits on the number of such product sector advisory committees, the necessity that each committee be reasonably limited in size, and that the product lines covered by each committee be reasonably related.

(d) Policy and technical advice and information and other advice

Committees established pursuant to subsection (c) of this section shall meet at the call of the Special Representative for Trade Negotiations, before and during any trade negotiations, to provide the following:

(1) policy advice on negotiations;

(2) technical advice and information on negotiations on particular products both domestic and foreign; and

(3) advice on other factors relevant to positions of the United States in trade negotiations.

(e) Meeting of advisory committees at conclusion of negotiations for trade agreements; reports; advisory opinions

(1) The Advisory Committee for Trade Negotiations, each appropriate policy advisory committee, and each sector advisory committee, if the sector which such committee represents is

affected, shall meet at the conclusion of negotiations for each trade agreement entered into under this chapter, to provide to the President, to Congress, and to the Special Representative for Trade Negotiations a report on such agreement. The report of the Advisory Committee for Trade Negotiations and each appropriate policy advisory committee shall include an advisory opinion as to whether and to what extent the agreement promotes the economic interests of the United States and the report of the appropriate sector committee shall include an advisory opinion as to whether the agreement provides for equity and reciprocity within the sector.

(2) The Advisory Committee for Trade Negotiations, each policy advisory committee, and each sector advisory committee shall issue a report to the Congress as soon as is practical after the end of the period which ends 5 years after January 3, 1975. The report of the Advisory Committee for Trade Negotiations and each policy advisory committee shall include an advisory opinion as to whether and to what extent trade agreements entered into under this chapter, taken as a whole, serve the economic interests of the United States. The report of each sector advisory committee shall include an advisory opinion on the degree of which trade agreements entered into under this chapter which affect the sector represented by each such committee, taken as a whole, provide for equity and reciprocity within that sector.

(f) Federal Advisory Committee Act

The provisions of the Federal Advisory Committee Act shall apply—

(1) to the Advisory Committee for Trade Negotiations established pursuant to subsection (b) of this section; and

(2) to all other advisory committees which may be established pursuant to subsection (c) of this section; except that the meetings of advisory groups established under subsection (c) of this section shall be exempt from the requirements of subsections (a) and (b) of section 10 and section 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or his designee that such meetings will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions on the negotiation of any trade agreement.

(g) Trade secrets and confidential commercial, financial, or other information

(1)(A) Trade secrets and commercial or financial information which is privileged or confidential, submitted in confidence by the private sector to officers or employees of the United States in connection with trade negotiations, shall not be disclosed to any person other than to—

(i) officers and employees of the United States designated by the Special Representative for Trade Negotiations, and

(ii) members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate who are accredited as official advisers under section 2211(a) of this title or are designated by the chairman of either such committee under section 2211(b)(2) of this title, and members of the staff of either such committee designated by the chairman under section 2211(b)(2) of this title,

for use in connection with negotiation of a trade agreement referred to in section 2111 or 2112 of this title.

(B) Information, other than that described in paragraph (A), and advice submitted in confidence by the private sector to officers or employees of the United States, to the Advisory Committee for Trade Negotiations or to any advisory committee established under subsection (c) of this section, in connection with trade negotiations, shall not be disclosed to any person other than—

(i) the individuals described in subparagraph (A), and

(ii) the appropriate advisory committees established under this section.

(2) Information submitted in confidence by officers or employees of the United States to the Advisory Committee for Trade Negotiations, or to any advisory committee established under subsection (c) of this section, shall not be disclosed other than in accordance with rules issued by the Special Representative for Trade Negotiations and the Secretary of Commerce, Labor or Agriculture, as appropriate, after consultation with the relevant advisory committees established under subsection (c) of this section. Such rules shall define the categories of information which require restricted or confidential handling by such committee considering the extent to which public disclosure of such information can reasonably be expected to prejudice United States negotiating objectives. Such rules shall, to the maximum extent feasible, permit meaningful consultations by advisory committee members with persons affected by proposed trade agreements.

(h) Staff, information, personnel, and administrative services and assistance to advisory committees

The Special Representative for Trade Negotiations, and the Secretary of Commerce, Labor, or Agriculture, as appropriate, shall provide such staff, information, personnel, and administrative services and assistance to advisory committees established pursuant to subsection (c) of this section as such committees may reasonably require to carry out their activities.

(i) Consultation with advisory committees; adoption of procedures; nonacceptance of committee advice or recommendations

It shall be the responsibility of the Special Representative for Trade Negotiations, in conjunction with the Secretary of Commerce, Labor, or Agriculture, as appropriate, to adopt procedures for consultation with and obtaining information and advice from the advisory committees established pursuant to subsection (c) of this section on a continuing and timely basis, both during preparation for negotiations and actual negotiations. Such consultation shall include the provision of information to each advisory committee as to (1) significant issues and developments arising in preparation for or in the course of such negotiations, and (2) overall negotiating objectives and positions of the United States and other parties to the negotiations. The Special Representative for Trade Negotiations shall not be bound by the advice or recommendations of such advisory committees but the Special Representative for Trade Negotiations shall inform the advisory committees of failures to accept such advice or recommendations, and the President shall include in his statement to the Congress, required by section 2213 of this title, a report by the Special Representative for Trade Negotiations on consultation with such committees, issues involved in such consultation, and the reasons for not accepting advice or recommendations.

(j) Private organizations or groups

In addition to any advisory committee established pursuant to this section, the President shall provide adequate, timely and continuing opportunity for the submission on an informal and, if such information is submitted under the provisions of subsection (g) of this section, confidential basis by private organizations or groups, representing labor, industry, agriculture, small business, service industries, consumer interests, and others, of statistics, data, and other trade information, as well as policy recommendations, pertinent to the negotiation of any trade agreement referred to in section 2111 or 2112 of this title.

(k) Direct participation in trade negotiations by private individuals not authorized

Nothing contained in this section shall be construed to authorize or permit any individual to participate directly in any negotiation of any trade agreement referred to in section 2111 or 2112 of this title.

(Pub. L. 93-618, title I, § 135, Jan. 3, 1975, 88 Stat. 1996.)

REFERENCES IN TEXT

"This chapter", referred to in subsec (e), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

The Federal Advisory Committee Act, referred to in subsec (f), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2114 of this title.

PART 4—OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

§ 2171. Structure, functions, powers, and personnel

(a) Establishment within Executive Office of the President

There is established within the Executive Office of the President the Office of the Special Representative for Trade Negotiations (hereinafter in this section referred to as the "Office").

(b) Special Representative for Trade Negotiations; Deputy Special Representatives for Trade Negotiations

(1) The Office shall be headed by the Special Representative for Trade Negotiations who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of the Special Representative for Trade Negotiations submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance. The Special Representative for Trade Negotiations shall hold office at the pleasure of the President, shall be entitled to receive the same allowances as a chief of mission, and shall have the rank of Ambassador Extraordinary and Plenipotentiary.

(2) There shall be in the Office two Deputy Special Representatives for Trade Negotiations who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy Special Representative submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy Special Representative for Trade Negotiations shall hold office at the pleasure of the President and shall have the rank of Ambassador.

(c) Duties of Special Representative and Deputy Special Representatives for Trade Negotiations

(1) The Special Representative for Trade Negotiations shall—

(A) be the chief representative of the United States for each trade negotiation under this subchapter or section 2411 of this title;

(B) report directly to the President and the Congress, and be responsible to the President and the Congress for the administration of trade agreements programs under this chapter, the Trade Expansion Act of 1962 [19 U.S.C. 1801 et seq.], and section 1351 of this title;

(C) advise the President and Congress with respect to nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements programs;

(D) be responsible for making reports to Congress with respect to the matter set forth in subparagraphs (A) and (B);

(E) be chairman of the interagency trade organization established pursuant to section 242(a) of the Trade Expansion Act of 1962 [19 U.S.C. 1872(a)]; and

(F) be responsible for such other functions as the President may direct.

(2) Each Deputy Special Representative for Trade Negotiations shall have as his principal function the conduct of trade negotiations under this chapter and shall have such other functions as the Special Representative for Trade Negotiations may direct.

(d) Powers of Special Representative for Trade Negotiations

The Special Representative for Trade Negotiations may, for the purpose of carrying out his functions under this section—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary and prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5 and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5 and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5 for persons in Government service employed intermittently;

(3) promulgate such rules and regulations as may be necessary to carry out the functions vested in him;

(4) utilize, with their consent, the services, personnel, and facilities of other Federal agencies;

(5) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Special Representative for Trade Negotiations may deem appropriate, with any agency or instrumentality of the United States, or with any public or private person, firm, association, corporation, or institution;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31; and

(7) adopt an official seal, which shall be judicially noticed.

(e) Use of other Federal agencies

The Special Representative for Trade Negotiations shall, to the extent he deems it necessary for the proper administration and execution of the trade agreements programs of the United States, draw upon the resources of, and consult with, Federal agencies in connection with the performance of his functions.

(f) Authorization of appropriations

There are authorized to be appropriated to the Office of Special Representative for Trade Negotiations such amounts as may be necessary for the purpose of carrying out its functions for fiscal year 1976 and each fiscal year thereafter any part of which is within the 5-year period beginning on January 3, 1975.

(g) Abolition of Office as established by Executive Order; transfer of assets, liabilities, contracts, property, records, and unexpended balances and funds

(1) The Office of Special Representative for Trade Negotiations established under Executive Order No. 11075 of January 15, 1963, as amended, is abolished.

(2) The assets, liabilities, contracts, property, and records and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such Office are transferred to the Office of Special Representative for Trade Negotiations established under subsection (a) of this section.

(h) Transfer of personnel

(1) Any individual who holds the position of Special Representative for Trade Negotiations or a position as Deputy Special Representative for Trade Negotiations on January 2, 1975, and who has been appointed by and with the advice and consent of the Senate may continue to hold such position without regard to the first sentence of paragraph (1) of subsection (b) of this section, or the first sentence of paragraph (2) of subsection (b) of this section, as the case may be.

(2) All personnel who on January 2, 1975, are employed by the Office of the Special Representative for Trade Negotiations established by Executive Order No. 11075 of January 15, 1963, as amended, are hereby transferred to the Office.

(Pub. L. 93-618, title I, § 141(a), (b)(1), (2)(c)-(h), Jan. 3, 1975, 88 Stat. 1999-2001.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (c)(1)(B), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

The Trade Expansion Act of 1962, referred to in subsec. (c)(1)(B), is Pub. L. 87-794, Oct. 11, 1962, 76 Stat. 872, which is classified principally to chapter 7 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables volume.

The civil service laws, referred to in subsec. (d)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The classification laws, referred to in subsec. (d)(1), are set forth in chapter 51 (§ 5101 et seq.) and subchapter III (§ 5331 et seq.) of chapter 53 of title 5.

Executive Order No. 11075 of January 15, 1963, as amended, referred to in subsecs. (g)(1) and (h)(2), formerly set out under section 1801 of this title, was revoked by Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out under section 2111 of this title.

EXECUTIVE ORDER NO. 11143

Ex. Ord. No. 11143, Mar. 2, 1963, 29 F.R. 3127, as amended by Ex. Ord. No. 11159, June 23, 1964, 29 F.R. 8137, formerly set out under section 1871 of this title, which established the Public Advisory Committee for Trade Expansion, was revoked by Ex. Ord. No. 11425, Aug. 30, 1968, 33 F.R. 12363, set out below.

EXECUTIVE ORDER NO. 11425

Ex. Ord. No. 11425, Aug. 30, 1968, 33 F.R. 12363, formerly set out under section 1871 of this title, which directed the Special Representative for Trade Negotiations (established by Ex. Ord. No. 11075, Jan. 15, 1963, 28 F.R. 473) to conduct a long range study of United States foreign trade policy and to consider the views of Congress, the Public Advisory Committee on Trade Policy, and other federal agencies; established the Public Advisory Committee on Trade Policy for purposes of this study; and abolished the Public Advisory Committee for Trade Negotiations; was omitted as obsolete in view of the revocation of Ex. Ord. No. 11075 by Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out under section 2111 of this title, and in view of the abolition of the Office of Special Representative for Trade Negotiations (as established under Ex. Ord. No. 11075) by section 2171(g) of this title.

PART 5—CONGRESSIONAL PROCEDURES WITH RESPECT TO PRESIDENTIAL ACTIONS

§ 2191. Bills implementing trade agreements on nontariff barriers and resolutions approving commercial agreements with communist countries

(a) Rules of House of Representatives and Senate

This section and sections 2192 and 2193 of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of implementing bills described in subsection (b)(1) of this section, implementing revenue bills described in subsection (b)(2) of this section, approval resolutions described in subsection (b)(3) of this section, and resolutions described in sections 2192(a) and 2193(a) of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) Definitions

For purposes of this section—

(1) The term "implementing bill" means only a bill of either House of Congress which is introduced as provided in subsection (c) of this section with respect to one or more trade agreements submitted to the House of Representatives and the Senate under section 2112 of this title and which contains—

(A) a provision approving such trade agreement or agreements,

(B) a provision approving the statement of administrative action (if any) proposed to implement such trade agreement or agreements, and

(C) if changes in existing laws or new statutory authority is required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(2) The term "implementing revenue bill" means an implementing bill which contains one or more revenue measures by reason of which it must originate in the House of Representatives.

(3) The term "approval resolution" means only a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the extension of nondiscriminatory treatment with respect to the products of ——— transmitted by the President to the Congress on ———.", the first blank space being filled with the name of the country involved and the second blank space being filled with the appropriate date.

(c) Introduction and referral

(1) On the day on which a trade agreement is submitted to the House of Representatives and the Senate under section 2112 of this title, the implementing bill submitted by the President with respect to such trade agreement shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a trade agreement is submitted, the implementing bill shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. Such bills shall be referred by the Presiding Officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of two or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(2) On the day on which a bilateral commercial agreement, entered into under subchapter IV of this chapter after January 3, 1975, is transmitted to the House of Representatives and the Senate, an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The approval resolution introduced in the House shall be referred to the Committee on Ways and Means and the approval resolution introduced in the Senate shall be referred to the Committee on Finance.

(d) Amendments prohibited

No amendment to an implementing bill or approval resolution shall be in order in either the House of Representatives or the Senate; and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) Period for committee and floor consideration

(1) Except as provided in paragraph (2), if the committee or committees of either House to which an implementing bill or approval resolution has been referred have not reported it at the close of the 45th day after its in-

troduction, such committee or committees shall be automatically discharged from further consideration of the bill or resolution and it shall be placed on the appropriate calendar. A vote on final passage of the bill or resolution shall be taken in each House on or before the close of the 15th day after the bill or resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the bill or resolution. If prior to the passage by one House of an implementing bill or approval resolution of that House, that House receives the same implementing bill or approval resolution from the other House, then—

(A) the procedure in that House shall be the same as if no implementing bill or approval resolution had been received from the other House, but

(B) the vote on final passage shall be on the implementing bill or approval resolution of the other House.

(2) The provisions of paragraph (1) shall not apply in the Senate to an implementing revenue bill. An implementing revenue bill received from the House shall be referred to the appropriate committee or committees of the Senate. If such committee or committees have not reported such bill at the close of the 15th day after its receipt by the Senate (or, if later, before the close of the 45th day after the corresponding implementing revenue bill was introduced in the Senate), such committee or committees shall be automatically discharged from further consideration of such bill and it shall be placed on the calendar. A vote on final passage of such bill shall be taken in the Senate on or before the close of the 15th day after such bill is reported by the committee or committees of the Senate to which it was referred, or after such committee or committees have been discharged from further consideration of such bill.

(3) For purposes of paragraphs (1) and (2), in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(f) Floor consideration in the House

(1) A motion in the House of Representatives to proceed to the consideration of an implementing bill or approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit an implementing bill or approval resolution or to move to reconsider the vote by which an implementing bill or approval resolution is agreed to or disagreed to.

(3) Motions to postpone, made in the House of Representatives with respect to the consideration of an implementing bill or approval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an implementing bill or approval resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of an implementing bill or approval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) Floor consideration in the Senate

(1) A motion in the Senate to proceed to the consideration of an implementing bill or approval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on an implementing bill or approval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with an implementing bill or approval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of an implementing bill or approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate is not debatable. A motion to recommit an implementing bill or approval resolution is not in order.

(Pub. L. 93-618, title I, § 151, Jan. 3, 1975, 88 Stat. 2001.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2112, 2131, 2435, 2437 of this title.

§ 2192. Resolutions disapproving certain actions

(a) Contents of resolutions

(1) For purposes of this section, the term "resolution" means only—

(A) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve —— transmitted to the Congress on ——.", the first blank space being filled in accordance with paragraph (2) and the second blank space being filled with the appropriate date; and

(B) a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That the —— does not approve —— transmitted to the Congress on ——.", with the first blank space being filled with the name of the resolving House, the second blank space being filled in accordance with paragraph (3), and the third blank space being filled with the appropriate date.

(2) The first blank space referred to in paragraph (1)(A) shall be filled as follows:

(A) in the case of a resolution referred to in section 2253(c) of this title, with the phrase "the action taken by, or the determination of, the President under section 203 of the Trade Act of 1974"; and

(B) in the case of a resolution referred to in section 2412(b) of this title, with the phrase "the action taken by the President under section 301 of the Trade Act of 1974".

(3) The second blank space referred to in paragraph (1)(B) shall be filled as follows:

(A) in the case of a resolution referred to in section 1303(e) of this title, with the phrase "the determination of the Secretary of the Treasury under section 303(d) of the Tariff Act of 1930";

(B) in the case of a resolution referred to in section 2437(c)(2) of this title, with the phrase "the extension of nondiscriminatory treatment with respect to the products of ——" (with this blank space being filled with the name of the country involved); and

(C) in the case of a resolution referred to in section 2437(c)(3) of this title, with the phrase "the report of the President submitted under section —— of the Trade Act of 1974 with respect to ——" (with the first blank space being filled with "402(b)" or "409(b)", as appropriate, and the second blank space being filled with the name of the country involved).

(b) Reference to Committees

All resolutions introduced in the House of Representatives shall be referred to the Committee on Ways and Means and all resolutions introduced in the Senate shall be referred to the Committee on Finance.

(c) Discharge of committees

(1) If the committee of either House to which a resolution has been referred has not reported it at the end of 30 days after its introduction, not counting any day which is excluded under section 2193(b) of this title, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a resolution with respect to the same matter.

(2) A motion to discharge under paragraph (1) may be made only by an individual favoring the resolution, and is highly privileged in the House and privileged in the Senate; and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(d) Floor consideration in the House

(1) A motion in the House of Representatives to proceed to the consideration of a resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the House of Representatives on a resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to move to reconsider the vote by which a resolution is agreed to or disagreed to.

(3) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a resolution in the House of Representatives shall be governed by the Rules of the House of Representatives applicable to other resolutions in similar circumstances.

(e) Floor consideration in the Senate

(1) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

(f) Special rule for concurrent resolutions

In the case of a resolution described in subsection (a)(1) of this section, if prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

(1) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(2) the vote on final passage shall be on the resolution of the other House.

(Pub. L. 93-618, title I, § 152, Jan. 3, 1975, 88 Stat. 2004.)

REFERENCES IN TEXT

Section 203 of the Trade Act of 1974, referred to in subsec. (a)(2)(A), is classified to section 2253 of this title.

Section 301 of the Trade Act of 1974, referred to in subsec. (a)(2)(B), is classified to section 2411 of this title.

Section 303(d) of the Tariff Act of 1930, referred to in subsec. (a)(3)(A), is classified to section 1303(d) of this title.

Sections 402(b) and 409(b) of the Trade Act of 1974, referred to in subsec. (a)(3)(C), are classified, respectively, to sections 2432(b) and 2439(b) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1303, 1330, 2191, 2193, 2412, 2435, 2437 of this title.

§ 2193. Resolutions relating to extension of waiver authority under section 402 of the Trade Act of 1974

(a) Contents of resolutions

For purposes of this section, the term "resolution" means only—

(1) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the extension of the authority contained in section 402(c)(1) of the Trade Act of 1974 recommended by the President to the Congress on ———, except with respect to ———.", with the first blank space being filled with the appropriate date and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the except clause being omitted if there is no such country; and

(2) a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That the ——— does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on ——— with respect to ———.", with the first blank space being filled with the name of the resolving House, the second blank space being filled with the appropriate date, and the third blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the with-respect-to clause being omitted if the extension of the authority is not approved with respect to any country.

(b) Application of rules of section 2192 of this title; exceptions

(1) Except as provided in this section, the provisions of section 2192 of this title shall apply to resolutions described in subsection (a) of this section.

(2) In applying section 2192(c)(1) of this title, all calendar days shall be counted, and, in the case of a resolution related to section 2432(d)(4) of this title, 20 calendar days shall be substituted for 30 days.

(3) That part of section 2192(d)(2) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting an except clause, in the case of a resolution described in subsection (a)(1) of this section, or a with-respect-to clause, in the case of a resolution described in subsection (a)(2) of this section. Debate in the House of Representatives on any amendment to a resolution shall be limited to not more than 1 hour which shall be equally divided between those favoring and those opposing the amendment. A motion in the House to further limit debate on an amendment to a resolution is not debatable.

(4) That part of section 2192(e)(4) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting an except clause, in the case of a resolution described in subsection (a)(1) of this section, or a with-respect-to clause, in the case of a resolution described in subsection (a)(2) of this section. The time limit on a debate on a resolution in the Senate under section 2192(e)(2) of this title shall include all amendments to a resolution. Debate in the Senate on any amendment to a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such amendment, the time in opposition thereto shall be controlled by the minority leader or his designee. The majority leader and minority leader may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any amendment. A motion in the Senate to further limit debate on an amendment to a resolution is not debatable.

(c) Consideration of second resolution not in order

It shall not be in order in either the House of Representatives or the Senate to consider a resolution with respect to a recommendation of the President under section 2432(d) of this title (other than a resolution described in subsection (a)(1) of this section received from the other House), if that House has adopted a resolution with respect to the same recommendation.

(Pub. L. 93-618, title I, § 153, Jan. 3, 1975, 88 Stat. 2006.)

References in Text

Section 402 of the Trade Act of 1974, referred to in catchline and text, is classified to section 2432 of this title.

Section Referred to in Other Sections

This section is referred to in sections 2191, 2192, 2432 of this title.

§ 2194. Special rules relating to Congressional procedures

(a) Whenever, pursuant to section 2112(e), 2253(b), 2412(a), 2432(d), or 2437(a) or (b), or section 1303(e) of this title, a document is required to be transmitted to the Congress, copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

(b) For purposes of sections 2253(c), 2412(b), 2437(c)(2), and 2437(c)(3) of this title, the 90-day period referred to in such sections shall be computed by excluding—

(1) the days on which either House is not in session because of an adjournmentof more than 3 days to a day certain or an adjournment of the Congress sine die, and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

(Pub. L. 93-618, title I, § 154, Jan. 3, 1975, 88 Stat. 2008.)

Part 6—Congressional Liaison and Reports

§ 2211. Congressional delegates to negotiations

(a) At the beginning of each regular session of Congress, the Speaker of the House of Representatives, upon the recommendation of the chairman of the Committee on Ways and Means, shall select five members (not more than three of whom are members of the same political party) of such committee, and the President pro tempore of the Senate, upon the recommendation of the chairman of the Committee on Finance, shall select five members (not more than three of whom are members of the same political party) of such committee, who shall be accredited by the President as official advisers to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements.

(b)(1) The Special Representative for Trade Negotiation shall keep each official adviser currently informed on United States negotiating objectives, the status of negotiations in progress, and the nature of any changes in domestic law or the administration thereof which may be recommended to Congress to carry out any trade agreement.

(2) The chairmen of the Committee on Ways and Means and the Committee on Finance may designate members (in addition to the official advisors under subsection (a) of this section) and staff members of their respective committees who shall have access to the information provided to official advisers under paragraph (1).

(Pub. L. 93-618, title I, § 161, Jan. 3, 1975, 88 Stat. 2008.)

Section Referred to in Other Sections

This section is referred to in sections 2132, 2155 of this title.

§ 2212. Transmission of agreements to Congress

(a) As soon as practicable after a trade agreement entered into under part 1 of this subchapter or section 2133 or 2134 of this title has entered into force with respect to the United States, the President shall, if he has not previously done so, transmit a copy of such trade agreement to each House of the Congress together with a statement, in the light of the advice of the International Trade Commission under section 2151(b) of this title, if any, and of other relevant considerations, of this reasons for entering into the agreement.

(b) The President shall transmit to each Member of the Congress a summary of the information required to be transmitted to each House under subsection (a) of this section. For purposes of this subsection, the term "Member" includes any Delegate or Resident Commissioner.

(Pub. L. 93-618, title I, § 162, Jan. 3, 1975, 88 Stat. 2008.)

§ 2213. Reports

(a) The President shall submit to the Congress an annual report on the trade agreements program and on import relief and adjustment assistance for workers, firms, and communities under this chapter. Such report shall include information regarding new negotiations; changes made in duties and nontariff barriers and other distortions of trade of the United States; reciprocal concessions obtained; changes in trade agreements (including the incorporation therein of actions taken for import relief and compensation provided therefor); extension or withdrawal of nondiscriminatory treatment by the United States with respect to the products of a foreign country; extension, modification, withdrawal, suspension, or limitation of preferential treatment to exports of developing countries; the results of action taken to obtain removal of foreign trade restrictions (including discriminatory restrictions) against United States exports and the removal of foreign practices which discriminate against United States service industries (including transportation and tourism) and investment; and the measures being taken to seek the removal of other significant foreign import restrictions; and other information relating to the trade agreements program and to the agreements entered into thereunder. Such report shall also include information regarding the number of applications filed for adjustment assistance for workers, firms, and communities, the number of such applications which were approved, and the extent to which adjustment assistance has been provided under such approved applications.

(b) The International Trade Commission shall submit to the Congress, at least once a year, a factual report on the operation of the trade agreements program.

(Pub. L. 93-618, title I, § 163, Jan. 3, 1975, 88 Stat. 2009.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (a), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2155 of this title.

PART 7—UNITED STATES INTERNATIONAL TRADE COMMISSION

§ 2231. Change of name from United States Tariff Commission

(a) The United States Tariff Commission (established by section 1330 of this title) is renamed as the United States International Trade Commission.

(b) Any reference in any law of the United States, or in any order, rule, regulation, or other document, to the United States Tariff Commission (or the Tariff Commission) shall be considered to refer to the United States International Trade Commission.

(Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009.)

§ 2232. Independent budget and authorization of appropriations

Effective with respect to the fiscal year beginning October 1, 1976, for purposes of the Budget and Accounting Act, 1921 [31 U.S.C. 1 et seq.], estimated expenditures and proposed appropriations for the United States International Trade Commission shall be transmitted to the President on or before October 15 of the year preceding the beginning of each fiscal year and shall be included by him in the Budget without revision, and the Commission shall not be considered to be a department or establishment for purposes of such Act.

(Pub. L. 93-618, title I, § 175(a)(1), Jan. 3, 1975, 88 Stat. 2011.)

REFERENCES IN TEXT

The Budget and Accounting Act, 1921, referred to in text, is act June 10, 1921, ch. 18, 42 Stat. 20, which is classified principally to chapter 1 (§ 1 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see section 1 of Title 31 and Tables volume.

SUBCHAPTER II—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION

PART 1—IMPORT RELIEF

§ 2251. Investigation by International Trade Commission

(a) Petitions for eligibility for import relief

(1) A petition for eligibility for import relief for purpose of facilitating orderly adjustment to import competition may be filed with the International Trade Commission (hereinafter in this part referred to as the "Commission") by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of an industry. The petition shall include a statement describing the specific purposes for which import relief is being sought, which may include such objectives as facilitating the orderly transfer of resources to alternative uses and other means of adjustment to new conditions of competition.

(2) Whenever a petition is filed under this subsection, the Commission shall transmit a copy thereof to the Special Representative for Trade Negotiations and the agencies directly concerned.

(b) Requests to Commission by President, Special Representative, or Congressional Committees for investigation; nature and scope of Commission's investigation

(1) Upon the request of the President or the Special Representative for Trade Negotiations, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, upon its own motion, or upon the filing of a petition under subsection (a)(1) of this section, the Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

(2) In making its determinations under paragraph (1), the Commission shall take into account all economic factors which it considers relevant, including (but not limited to)—

(A) with respect to serious injury, the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment within the industry;

(B) with respect to threat of serious injury, a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned; and

(C) with respect to substantial cause, an increase in imports (either actual or relative to domestic production) and a decline in the proportion of the domestic market supplied by domestic producers.

(3) For purposes of paragraph (1), in determining the domestic industry producing an article like or directly competitive with an imported article, the Commission—

(A) may, in the case of a domestic producer which also imports, treat as part of such domestic industry only its domestic production,

(B) may, in the case of a domestic producer which produces more than one article, treat as part of such domestic industry only that portion or subdivision of the producer which produces the like or directly competitive article, and

(C) may, in the case of one or more domestic producers, who produce a like or directly competitive article in a major geographic area of the United States and whose production facilities in such area for such article constitute a substantial portion of the domestic industry in the United States and primarily serve the market in such area, and where the imports are concentrated in such area, treat as such domestic industry only that segment of the production located in such area.

(4) For purposes of this section, the term "substantial cause" means a cause which is important and not less than any other cause.

(5) In the course of any proceeding under this subsection, the Commission shall, for the purpose of assisting the President in making his determinations under sections 2252 and 2253 of this title, investigate and report on efforts made by firms and workers in the industry to compete more effectively with imports.

(6) In the course of any proceeding under this subsection, the Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation; and, whenever in the course of its investigation the Commission has reason to believe that the increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921 [19 U.S.C. 160 et seq.], section 1303 or 1337 of this title, or other remedial provisions of law, the Commission shall promptly notify the appropriate agency so that such action may be taken as is otherwise authorized by such provisions of law.

(c) Public hearings

In the course of any proceeding under subsection (b) of this section, the Commission shall, after reasonable notice, hold public hearings and shall afford interested parties an opportunity to be present, to present evidence, and to be heard at such hearings.

(d) Report

(1) The Commission shall report to the President its findings under subsection (b) of this section, and the basis therefor and shall include in each report any dissenting or separate views. If the Commission finds with respect to any article, as a result of its investigation, the serious injury or threat thereof described in subsection (b) of this section, it shall—

(A) find the amount of the increase in, or imposition of, any duty or import restriction on such article which is necessary to prevent or remedy such injury, or

(B) if it determines that adjustment assistance under parts 2, 3, and 4 of this subchapter can effectively remedy such injury, recommend the provision of such assistance,

and shall include such findings or recommendation in its report to the President. The Commission shall furnish to the President a transcript of the hearings and any briefs which were submitted in connection with each investigation.

(2) The report of the Commission of its determination under subsection (b) of this section shall be made at the earliest practicable time, but not later than 6 months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Commission shall also promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

(e) Previous investigations of same subject matter

Except for good cause determined by the Commission to exist, no investigation for the purposes of this section shall be made with respect to the same subject matter as a previous investigation under this section, unless 1 year has elapsed since the Commission made its report to the President of the results of such previous investigation.

(f) Retroactive effect

(1) Any investigation by the Commission under section 1901(b) of this title (as in effect before January 3, 1975) which is in progress immediately before such date shall be continued under this section in the same manner as if the investigation had been instituted originally under the provisions of this section. For purposes of subsection (d)(2) of this section, the petition for any investigation to which the preceding sentence applies shall be treated as having been filed, or the request or resolution as having been received or the motion having been adopted, as the case may be, on January 3, 1975.

(2) If, on January 3, 1975, the President has not taken any action with respect to any report of the Commission containing an affirmative determination resulting from an investigation under section 1901(b) of this title (as in effect before January 3, 1975), such report shall be treated by the President as a report received by him under this section on January 3, 1975.

(Pub. L. 93-618, title II, § 201, Jan. 3, 1975, 88 Stat. 2011.)

REFERENCES IN TEXT

The Antidumping Act, 1921, referred to in subsec. (b)(6), is act May 27, 1921, ch. 14, 42 Stat. 11, which is classified to sections 160 to 171 of this title. For complete classification of this Act to the Code, see section 171 of this title and Tables volume.

Section 1901 of this title, referred to in subsec. (f), was repealed by Pub. L. 93-618, title VI, § 602(d), (e), Jan. 3, 1975, 88 Stat. 2072, and is now covered by this section.

EX. ORD. NO. 11913. COLLECTION OF INFORMATION FOR IMPORT RELIEF AND ADJUSTMENT ASSISTANCE

Ex. Ord. No. 11913, Apr. 26, 1976, 41 F.R. 17721, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g)), and as President of the United States of America, in order to reduce the reporting burden with respect to the collection of information pursuant to Title II of the Trade Act of 1974 (88 Stat. 2011, 19 U.S.C. 2251 et seq.) and consistent with Chapter 35 of Title 44 of the United States Code, it is hereby ordered as follows:

SECTION 1. Whenever the United States International Trade Commission, in connection with investigations pursuant to Section 201 of the Trade Act of 1974 (19 U.S.C. 2251), collects factual data from firms on their sales, production, employment, and financial experience, the Commission shall provide such information to the Secretaries of Commerce and Labor.

SEC. 2. The Secretaries of Commerce and Labor shall ensure that the factual data, received pursuant to Section 1, are used solely for the performance of their functions pursuant to Sections 264 and 224, respectively, of the Trade Act of 1974 (19 U.S.C. 2354 and 2274).

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1330, 1872, 2252, 2253, 2274, 2354, 2436 of this title.

§ 2252. Presidential action after investigations

(a) Import relief; expeditious consideration to petitions for adjustment assistance

After receiving a report from the Commission containing an affirmative finding under section 2251(b) of this title that increased imports have been a substantial cause of serious injury or the threat thereof with respect to an industry, the President—

(1)(A) shall provide import relief for such industry pursuant to section 2253 of this title, unless he determines that provision of such relief is not in the national economic interest of the United States, and

(B) shall evaluate the extent to which adjustment assistance has been made available (or can be made available) under parts 2, 3, and 4 of this subchapter to the workers and firms in such industry and to the communities in which such workers and firms are located, and, after such evaluation, may direct the Secretary of Labor and the Secretary of Commerce that expeditious consideration be given to the petitions for adjustment assistance; or

(2) if the Commission, under section 2251(d) of this title, recommends the provision of adjustment assistance, shall direct the Secretaries of Labor and Commerce as described in paragraph (1)(B).

(b) Determination of Presidential action; publication of Presidential determination

Within 60 days (30 days in the case of a supplemental report under subsection (d) of this section) after receiving a report from the Commission containing an affirmative finding under section 2251(b) of this title (or a finding under section 2251(b) of this title which he considers to be an affirmative finding, by reason of section 1330(d) of this title, within such 60-day (or 30-day) period), the President shall—

(1) determine what method and amount of import relief he will provide, or determine that the provision of such relief is not in the national economic interest of the United States, and whether he will direct expeditious consideration of adjustment assistance petitions, and publish in the Federal Register that he has made such determinations; or

(2) if such report recommends the provision of adjustment assistance, publish in the Federal Register his order to the Secretary of Labor and Secretary of Commerce for expeditious consideration of petitions.

(c) Consideration to be taken into account in determining import relief

In determining whether to provide import relief and what method and amount of import relief he will provide pursuant to section 2253 of this title, the President shall take into account, in addition to such other considerations as he may deem relevant—

(1) information and advice from the Secretary of Labor on the extent to which workers in the industry have applied for, are receiving, or are likely to receive adjustment assistance under part 2 of this subchapter or benefits from other manpower programs;

(2) information and advice from the Secretary of Commerce on the extent to which firms in the industry have applied for, are receiving, or are likely to receive adjustment assistance under parts 3 and 4 of this subchapter;

(3) the probable effectiveness of import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relative to the position of the industry in the Nation's economy;

(4) the effect of import relief on consumers (including the price and availability of the imported article and the like or directly competitive article produced in the United States) and on competition in the domestic markets for such articles;

(5) the effect of import relief on the international economic interests of the United States;

(6) the impact on United States industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(7) the geographic concentration of imported products marketed in the United States;

(8) the extent to which the United States market is the focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(9) the economic and social costs which would be incurred by taxpayers, communities, and workers, if import relief were or were not provided.

(d) Presidential request for additional information; supplemental report

The President may, within 15 days after the date on which he receives an affirmative finding of the Commission under section 2251(b) of this title with respect to an industry, request additional information from the Commission. The Commission shall, as soon as practicable but in no event more than 30 days after the date on which it receives the President's request, furnish additional information with respect to such industry in a supplemental report.

(Pub. L. 93-618, title II, § 202, Jan. 3, 1975, 88 Stat. 2014.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1330, 1872, 2251, 2253, 2436 of this title.

§ 2253. Import relief

(a) Imposition of or increase in duties; tariff-rate quotas; quantitative restrictions on imports; orderly marketing agreements

If the President determines to provide import relief under section 2252(a)(1) of this title, he shall, to the extent that and for such time (not to exceed 5 years) as he determines necessary taking into account the considerations specified in section 2252(c) of this title to prevent or remedy serious injury or the threat thereof to the industry in question and to facilitate the orderly adjustment to new competitive conditions by the industry in question—

(1) proclaim an increase in, or imposition of, any duty on the article causing or threatening to cause serious injury to such industry;

(2) proclaim a tariff-rate quota on such article;

(3) proclaim a modification of, or imposition of, any quantitative restriction on the import into the United States of such article;

(4) negotiate orderly marketing agreements with foreign countries limiting the export from foreign countries and the import into the United States of such articles; or

(5) take any combination of such actions.

(b) Transmittal to Congress of document setting forth Presidential action

(1) On the day on which the President proclaims import relief under this section or announces his intention to negotiate one or more orderly marketing agreements, the President shall transmit to Congress a document setting forth the action he is taking under this section. If the action taken by the President differs from the action recommended to him by the Commission under section 2251(b)(1)(A) of this title, he shall state the reason for such difference.

(2) On the day on which the President determines that the provision of import relief is not in the national economic interest of the United States, the President shall transmit to Congress a document setting forth such determination and the reasons why, in terms of the national economic interest, he is not providing import relief and also what other steps he is taking, beyond adjustment assistance programs immediately available to help the industry to overcome serious injury and the workers to find productive employment.

(c) Congressional action

(1) If the President reports under subsection (b) of this section that he is taking action which differs from the action recommended by the Commission under section 2251(b)(1)(A) of this title, or that he will not provide import relief, the action recommended by the Commission shall take effect (as provided in paragraph (2)) upon the adoption by both Houses of Congress (within the 90-day period following the date on which the document referred to in subsection (b) of this section is transmitted to the Congress), by an affirmative vote of a majority of the Members of each House present and voting, of a concurrent resolution disapproving the action taken by the President or his determination not to provide import relief under section 2252(a)(1)(A) of this title.

(2) If the contingency set forth in paragraph (1) occurs, the President shall (within 30 days after the adoption of such resolution) proclaim the increase in, or imposition of, any duty or other import restriction on the article which was recommended by the Commission under section 2251(b) of this title.

(d) Maximum relief

(1) No proclamation pursuant to subsection (a) or (c) of this section shall be made increasing a rate of duty to (or imposing) a rate which is more than 50 percent ad valorem above the rate (if any) existing at the time of the proclamation.

(2) Any quantitative restriction proclaimed pursuant to subsection (a) or (c) of this section and any orderly marketing agreement negotiated pursuant to subsection (a) of this section shall permit the importation of a quantity or value of the article which is not less than the quantity or value of such article imported into the United States during the most recent period which the President determines is representative of imports of such article.

(e) Effective date of relief

(1) Import relief under this section shall be proclaimed and take effect within 15 days after the import relief determination date unless the President announces on such date his intention to negotiate one or more orderly marketing agreements under subsection (a)(4) or (5) of this section in which case import relief shall be proclaimed and take effect within 90 days after the import relief determination date.

(2) If the President provides import relief under subsection (a)(1), (2), (3), or (5) of this section, he may, after such relief takes effect, negotiate orderly marketing agreements with foreign countries, and may, after such agreements take effect, suspend or terminate, in whole or in part, such import relief.

(3) If the President negotiates an orderly marketing agreement under subsection (a)(4) or (5) of this section and such agreement does not continue to be effective, he may, consistent with the limitations contained in subsection (h) of this section, provide import relief under subsection (a)(1), (2), (3), or (5) of this section.

(4) For purposes of this subsection, the term "import relief determination date" means the date of the President's determination under section 2252(b) of this title.

(f) Items advanced or improved abroad

(1) For purposes of subsections (a) and (c) of this section, the suspension of item 806.30 or 807.00 of the Tariff Schedules of the United States with respect to an article shall be treated as an increase in duty.

(2) For purposes of subsections (a) and (c) of this section, the suspension of the designation of any article as an eligible article for purposes of subchapter V of this chapter shall be treated as an increase in duty.

(3) No proclamation providing for a suspension referred to in paragraph (1) with respect to any article shall be made under subsection (a) or (c) of this section unless the Commission, in addition to making an affirmative determination with respect to such article under section 2251(b) of this title, determines in the course of its investigation under section 2251(b) of this title that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the application of item 806.30 or item 807.00.

(4) No proclamation which provides solely for a suspension referred to in paragraph (2) with respect to any article shall be made under subsection (a) or (c) of this section unless the Commission, in addition to making an affirmative determination with respect to such article under section 2251(b) of this title, determines

in the course of its investigation under section 2251(b) of this title that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the designation of the article as an eligible article for the purposes of subchapter V of this chapter.

(g) Rules and regulations

(1) The President shall by regulations provide for the efficient and fair administration of any quantitative restriction proclaimed pursuant to subsection (a)(3) or (c) of this section.

(2) In order to carry out an agreement concluded under subsection (a)(4), (a)(5), or (e)(2) of this section, the President is authorized to prescribe regulations governing the entry or withdrawal from warehouse of articles covered by such agreement. In addition, in order to carry out any agreement concluded under subsection (a)(4), (a)(5), or (e)(2) of this section with one or more countries accounting for a major part of United States imports of the article covered by such agreements, including imports into a major geographic area of the United States, the President is authorized to issue regulations governing the entry or withdrawal from warehouse of like articles which are the product of countries not parties to such agreement.

(3) Regulations prescribed under this subsection shall, to the extent practicable and consistent with efficient and fair administration, insure against inequitable sharing of imports by a relatively small number of the larger importers.

(h) Termination of relief

(1) Any import relief provided pursuant to this section shall, unless renewed pursuant to paragraph (3), terminate no later than the close of the day which is 5 years after the day on which import relief with respect to the article in question first took effect pursuant to this section.

(2) To the extent feasible, any import relief provided pursuant to this section for a period of more than 3 years shall be phased down during the period of such relief, with the first reduction of relief taking effect no later than the close of the day which is 3 years after the day on which such relief first took effect.

(3) Any import relief provided pursuant to this section or section 1981 or 1982 of this title may be extended by the President, at a level of relief no greater than the level in effect immediately before such extension, for one 3-year period if the President determines, after taking into account the advice received from the Commission under subsection (i)(2) of this section and after taking into account the considerations described in section 2252(c) of this title, that such extension is in the national interest.

(4) Any import relief provided pursuant to this section may be reduced or terminated by the President when he determines, after taking into account the advice received from the Commission under subsection (i)(2) of this section and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest.

(5) For purposes of this subsection and subsection (i) of this section, the import relief provided in the case of an orderly marketing agreement shall be the level of relief contemplated by such agreement.

(i) Commission review of industry developments; advice to the President

(1) So long as any import relief provided pursuant to this section or section 1981 or 1982 of this title remains in effect, the Commission shall keep under review developments with respect to the industry concerned (including the progress and specific efforts made by the firms in the industry concerned to adjust to import competition) and upon request of the President shall make reports to the President concerning such developments.

(2) Upon request of the President or upon its own motion, the Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the extension, reduction, or termination of the import relief provided pursuant to this section.

(3) Upon petition on behalf of the industry concerned, filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any import relief provided pursuant to this section or section 1981 or 1982 of this title is to terminate by reason of the expiration of the initial period therefor, the Commission shall advise the President of its judgment as to the probable economic effect on such industry of such termination.

(4) In advising the President under paragraph (2) or (3) as to the probable economic effect on the industry concerned, the Commission shall take into account all economic factors which it considers relevant, including the considerations set forth in section 2252(c) of this title and the progress and specific efforts made by the industry concerned to adjust to import competition.

(5) Advice by the Commission under paragraph (2) or (3) shall be given on the basis of an investigation during the course of which the Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard.

(j) Two-year delay in investigations following earlier import relief

No investigation for the purposes of section 2251 of this title shall be made with respect to an article which has received import relief under this section unless 2 years have elapsed since the last day on which import relief was provided with respect to such article pursuant to this section.

(k) Direct or indirect importation; geographic concentration of domestic production

(1) Actions by the President pursuant to this section may be taken without regard to the provisions of section 2136(a) of this title but only after consideration of the relation of such actions to the international obligations of the United States.

(2) If the Commission treats as the domestic industry production located in a major geographic area of the United States under section 2251(b)(3)(C) of this title, then the President shall take into account the geographic concen-

tration of domestic production and of imports in that area in providing import relief, if any, which may include actions authorized under paragraph (1).

(Pub. L. 93-618, title II, § 203, Jan. 3, 1975, 88 Stat. 2015.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (f)(1), are set out in section 1202 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1330, 1872, 1981, 2133, 2137, 2192, 2194, 2251, 2252, 2436, 2463 of this title.

PART 2—ADJUSTMENT ASSISTANCE FOR WORKERS

EFFECTIVE AND TERMINATION DATE

Section 284 of Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 2019, provided that: "Chapters 2, 3, and 4 of this title [parts 2, 3, and 4 of this subchapter] shall become effective on the 90th day following the date of enactment of this Act [Jan. 3, 1975] and shall terminate on September 30, 1982."

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2251, 2252, 2318, 2391 of this title; title 29 section 881.

SUBPART A—PETITIONS AND DETERMINATIONS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2291, 2295 to 2298 of this title.

§ 2271. Petitions

(a) A petition for a certification of eligibility to apply for adjustment assistance under this part may be filed with the Secretary of Labor (hereinafter in this part referred to as the "Secretary") by a group of workers or by their certified or recognized union or other duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that he has received the petition and initiated an investigation.

(b) If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) of this section a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

(Pub. L. 93-618, title II, § 221, Jan. 3, 1975, 88 Stat. 2019.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2273, 2318 of this title.

§ 2272. Group eligibility requirements

The Secretary shall certify a group of workers as eligible to apply for adjustment assistance under this part if he determines—

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

(Pub. L. 93-618, title II, § 222, Jan. 3, 1975, 88 Stat. 2019.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2273 of this title.

§ 2273. Determinations by Secretary of Labor

(a) Certification of eligibility

As soon as possible after the date on which a petition is filed under section 2271 of this title, but in any event not later than 60 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 2272 of this title and shall issue a certification of eligibility to apply for assistance under this part covering workers in any group which meets such requirements. Each certification shall specify the date on which the total or partial separation began or threatened to begin.

(b) Workers covered by certification

A certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm before his application under section 2291 of this title occurred—

(1) more than one year before the date of the petition on which such certification was granted, or

(2) more than 6 months before the effective date of this part.

(c) Publication of determination in Federal Register

Upon reaching his determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register together with his reasons for making such determination.

(d) Termination of certification

Whenever the Secretary determines, with respect to any certification of eligibility of the workers of a firm or subdivision of the firm, that total or partial separations from such firm or subdivision are no longer attributable to the conditions specified in section 2272 of this title, he shall terminate such certification and promptly have notice of such termination published in the Federal Register together with his reasons for making such determination. Such termination shall apply only with respect to total or partial separations occurring after the termination date specified by the Secretary.

(Pub. L. 93-618, title II, § 223, Jan. 3, 1975, 88 Stat. 2019.)

REFERENCES IN TEXT

For the effective date of this part, referred to in subsec. (b)(2), see Effective and Termination Date note set out preceding section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2291, 2318, 2322 of this title.

§ 2274. Study by Secretary of Labor when International Trade Commission begins investigation

(a) Subject matter of study

Whenever the International Trade Commission (hereafter referred to in this part as the "Commission") begins an investigation under section 2251 of this title with respect to an industry, the Commission shall immediately notify the Secretary of such investigation, and the Secretary shall immediately begin a study of—

(1) the number of workers in the domestic industry producing the like or directly competitive article who have been or are likely to be certified as eligible for adjustment assistance, and

(2) the extent to which the adjustment of such workers to the import competition may be facilitated through the use of existing programs.

(b) Report; publication

The report of the Secretary of the study under subsection (a) of this section shall be made to the President not later than 15 days after the day on which the Commission makes its report under section 2251 of this title. Upon making his report to the President, the Secretary shall also promptly make it public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the Federal Register.

(c) Information to workers

Whenever the Commission makes an affirmative finding under section 2251(b) of this title that increased imports are a substantial cause of serious injury or threat thereof with respect to an industry, the Secretary shall make available, to the extent feasible, full information to the workers in such industry about programs which may facilitate the adjustment to import competition of such workers, and he shall provide assistance in the preparation and processing of petitions and applications of such workers for program benefits.

(Pub. L. 93-618, title II, § 224, Jan. 3, 1975, 88 Stat. 2020.)

SUBPART B—PROGRAM BENEFITS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 2312 of this title.

§ 2291. Trade readjustment allowances; qualifying requirements for workers

Payment of a trade readjustment allowance shall be made to an adversely affected worker covered by a certification under subpart A of this part who files an application for such allowance for any week of unemployment which begins after the date specified in such certification pursuant to section 2273(a) of this title, if the following conditions are met:

(1) Such worker's last total or partial separation before his application under this part, occurred—

(A) on or after the date, as specified in the certification under which he is covered, on which total or partial separation began or threatened to begin in the adversely affected employment, and

(B) before the expiration of the 2-year period beginning on the date on which the determination under section 2273 of this title was made, and

(C) before the termination date (if any) determined pursuant to section 2273(d) of this title; and

(2) Such worker had, in the 52 weeks immediately preceding such total or partial separation, at least 26 weeks of employment at wages of $30 or more a week in adversely affected employment with a single firm or subdivision of a firm, or, if data with respect to weeks of employment are not available, equivalent amounts of employment computed under regulations prescribed by the Secretary.

(Pub. L. 93-618, title II, § 231, Jan. 3, 1975, 88 Stat. 2020.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2273, 2318 of this title.

§ 2292. Weekly amounts of readjustment allowance

(a) Percentages

Subject to the other provisions of this section, the trade readjustment allowance payable to an adversely affected worker for a week of unemployment shall be—

(1) 70 percent of his average weekly wage (but not in excess of the average weekly manufacturing wage), reduced by

(2) 50 percent of the amount of the remuneration for services performed during such week.

(b) Adversely affected workers who are undergoing training

Any adversely affected worker who is entitled to trade readjustment allowances and who is undergoing training approved by the Secretary, including on-the-job training, shall receive for each week in which he is undergoing any such training, a trade readjustment allowance in an amount (computed for such week) equal to the amount computed under subsection (a) of this section or (if greater) the amount of any weekly allowance for such training to which he would be entitled under any other Federal law for the training of workers, if he applied for such allowance. Such trade readjustment allowance shall be paid in lieu of any training allowance to which the worker would be entitled under such other Federal law.

(c) Unemployment insurance

The amount of trade readjustment allowance payable to an adversely affected worker under subsection (a) of this section for any week shall be reduced by any amount of unemployment insurance which he receives, or which he would receive if he applied for such insurance, with respect to such week; but, if the appropriate State or Federal agency finally determines that the worker was not entitled to unemployment insurance with respect to such week, the reduction shall not apply with respect to such week.

(d) Deduction from total number of weeks of allowance entitlement

If unemployment insurance, or a training allowance under any Federal law, is paid to an adversely affected worker for any week of unemployment with respect to which he would be entitled (determined without regard to subsection (c) or (e) of this section or to any disqualification under section 2296(c) of this title) to a trade readjustment allowance if he applied for such allowance, each such week shall be deducted from the total number of weeks of trade readjustment allowance otherwise payable to him under section 2293(a) of this title when he applies for a trade readjustment allowance and is determined to be entitled to such allowance. If the unemployment insurance or the training allowance paid to such worker for any week of unemployment is less than the amount of the trade readjustment allowance to which he would be entitled if he applied for such allowance, he shall receive, when he applies for a trade readjustment allowance and is determined to be entitled to such allowance, a trade readjustment allowance for such week equal to such difference.

(e) Maximum total for all remuneration and allowances

Whenever, with respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services performed during such week, as unemployment insurance, as a training allowance referred to in subsection (d) of this section, and as a trade readjustment allowance exceeds 80 percent of his average weekly wage (or, if lesser, 130 percent of the average weekly manufacturing wage), then his trade readjustment allowance for such week shall be reduced by the amount of such excess.

(f) Rounding authority

The amount of any weekly payment to be made under this section which is not a whole dollar amount shall be rounded upward to the next higher whole dollar amount.

(Pub. L. 93-618, title II, § 232, Jan. 3, 1975, 88 Stat. 2021.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2298 of this title.

§ 2293. Time limitations on trade readjustment allowances

(a) Payment of trade readjustment allowances shall not be made to an adversely affected worker for more than 52 weeks, except that, in accordance with regulations prescribed by the Secretary—

(1) such payments may be made for not more than 26 additional weeks to an adversely affected worker to assist him to complete training approved by the Secretary, or

(2) such payments shall be made for not more than 26 additional weeks to an adversely affected worker who had reached his 60th birthday on or before the date of total or partial separation.

In no case may an adversely affected worker be paid trade readjustment allowances for more than 78 weeks.

(b)(1) Except for a payment made for an additional week under subsection (a)(1) or (a)(2) of this section, a trade readjustment allowance may not be paid for a week of unemployment beginning more than 2 years after the beginning of the appropriate week.

(2) A trade readjustment allowance may not be paid for an additional week specified in subsection (a)(1) of this section if the adversely affected worker who would receive such allowance did not make a bona fide application to a training program approved by the Secretary within 180 days after the end of the appropriate week or the date of his first certification of eligibility to apply for adjustment assistance issued by the Secretary, whichever is later.

(3) A trade readjustment allowance may not be paid for an additional week specified in subsection (a) of this section if such additional week begins more than 3 years after the beginning of the appropriate week.

(4) For the purposes of this subsection, the appropriate week—

(A) for a totally separated worker is the week of his most recent total separation, and

(B) for a partially separated worker is the first week for which he receives a trade readjustment allowance following his most recent partial separation.

(Pub. L. 93-618, title II, § 233, Jan. 3, 1975, 88 Stat. 2022.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2292 of this title.

§ 2294. Application of State laws

Except where inconsistent with the provisions of this part and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law—

(1) under which an adversely affected worker is entitled to unemployment insurance (whether or not he has filed a claim for such insurance), or

(2) if he is not so entitled to unemployment insurance, of the State in which he was totally or partially separated,

shall apply to any such worker who files a claim for trade readjustment allowances. The State law so determined with respect to a separation of a worker shall remain applicable, for purposes of the preceding sentence, with respect to such separation until such worker becomes entitled to unemployment insurance under another State law (whether or not he has filed a claim for such insurance).

(Pub. L. 93-618, title II, § 234, Jan. 3, 1975, 88 Stat. 2022.)

§ 2295. Employment services

The Secretary shall make every reasonable effort to secure for adversey affected workers covered by a certification under subpart A of this part counseling, testing, and placement services, and supportive and other services, provided for under any other Federal law. The Secretary shall, whenever appropriate, procure such services through agreements with cooperating State agencies.

(Pub. L. 93-618, title II, § 235, Jan. 3, 1975, 88 Stat. 2023.)

§ 2296. Training

(a) Approval of training

If the Secretary determines that there is no suitable employment available for an adversely affected worker covered by a certification under subpart A of this part, but that suitable employment (which may include technical and professional employment) would be available if the worker received appropriate training, he may approve such training. Insofar as possible, the Secretary shall provide or assure the provision of such training on the job.

(b) Supplemental assistance

The Secretary may, where appropriate, authorize supplemental assistance necessary to defray transportation and subsistence expenses for separate maintenance when training is provided in facilities which are not within commuting distance of a worker's regular place of residence. The Secretary shall not authorize payments for subsistence exceeding $15 per day; nor shall he authorize payments for transportation expenses exceeding 12 cents per mile.

(c) Refusal to accept or continue training; failure to make satisfactory progress

Any adversely affected worker who, without good cause, refuses to accept or continue, or fails to make satisfactory progress in, suitable training to which he has been referred by the Secretary shall not thereafter be entitled to payments under this part until he enters or resumes the training to which he has been so referred.

(Pub. L. 93-618, title II, § 236, Jan. 3, 1975, 88 Stat. 2023.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2292, 2317 of this title.

§ 2297. Job search allowances

(a) Any adversely affected worker covered by a certification under subpart A of this part who has been totally separated may file an application with the Secretary for a job search allowance. Such allowance, if granted, shall provide reimbursement to the worker of 80 percent of the cost of his necessary job search expenses as prescribed by regulations of the Secretary; except that such reimbursement may not exceed $500 for any worker.

(b) A job search allowance may be granted only—

(1) to assist an adversely affected worker in securing a job within the United States;

(2) where the Secretary determines that such worker cannot reasonably be expected to secure suitable employment in the commuting area in which he resides; and

(3) where the worker has filed an application for such allowance with the Secretary no later than 1 year after the date of his last total separation before his application under this part or (in the case of a worker who has been referred to training by the Secretary) within a reasonable period of time after the conclusion of such training period.

(Pub. L. 93-618, title II, § 237, Jan. 3, 1975, 88 Stat. 2023.)

§ 2298. Relocation allowances

(a) Filing of application

Any adversely affected worker covered by a certification under subpart A of this part who has been totally separated may file an application with the Secretary for a relocation allowance, subject to the terms and conditions of this section.

(b) Suitable employment in area of relocation; bona fide offer of employment

A relocation allowance may be granted only to assist an adversely affected worker in relocating within the United States and only if the Secretary determines that such worker cannot reasonably be expected to secure suitable employment in the commuting area in which he resides and that such worker—

(1) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which he wishes to relocate, or

(2) has obtained a bona fide offer of such employment.

(c) Conditions under which allowance may not be granted

A relocation allowance shall not be granted to such worker unless—

(1) for the week in which the application for such allowance is filed, he is entitled to a trade readjustment allowance (determined without regard to section 2292(c) and (e) of this title) or would be so entitled (determined without regard to whether he filed application therefor) but for the fact that he has obtained the employment referred to in subsection (b)(1) of this section, and

(2) such relocation occurs within a reasonable period after the filing of such application or (in the case of a worker who has been referred to training by the Secretary) within a reasonable period after the conclusion of such training.

Under regulations prescribed by the Secretary, a relocation allowance shall not be granted to more than one member of the family with respect to the same relocation.

(d) Definition

For the purposes of this section, the term "relocation allowance" means—

(1) 80 percent of the reasonable and necessary expenses, as specified in regulations prescribed by the Secretary, incurred in transporting a worker and his family, if any, and household effects, and

(2) a lump sum equivalent to three times the worker's average weekly wage, up to a maximum payment of $500.

(Pub. L. 93-618, title II, § 238, Jan. 3, 1975, 88 Stat. 2024.)

SUBPART C—GENERAL PROVISIONS

§ 2311. Agreements with States

(a) Authority of Secretary to enter into agreements

The Secretary is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency (referred to in this subpart as "cooperating States" and "cooperating States agencies" respectively). Under such an agreement, the cooperating State agency (1) as agent of the United States, will receive applications for, and will provide, payments on the basis provided in this part, (2) where appropriate, will afford adversely affected workers who apply for payments under this part testing, counseling, referral to training, and placement services, and (3) will otherwise cooperate with the Secretary and with other State and Federal agencies in providing payments and services under this part.

(b) Amendment, suspension, and termination of agreements

Each agreement under this subpart shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

(c) Unemployment insurance

Each agreement under this subpart shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to payments under this part.

(d) Review

A determination by a cooperating State agency with respect to entitlement to program benefits under an agreement is subject to review in the same manner and to the same extent as determinations under the applicable State law and only in that manner and to that extent.

(Pub. L. 93-618, title II, § 239(a)-(d), Jan. 3, 1975, 88 Stat. 2024, 2025.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2312, 2316 of this title; title 26 section 3302.

§ 2312. Administration absent State agreement

(a) In any State where there is no agreement in force between a State or its agency under section 2311 of this title, the Secretary shall arrange under regulations prescribed by him for performance of all necessary functions under subpart B of this part, including provision for a fair hearing for any worker whose application for payments is denied.

(b) A final determination under subsection (a) of this section with respect to entitlement to program benefits under subpart B of this part is subject to review by the courts in the same manner and to the same extent as is provided by section 405(g) of title 42.

(Pub. L. 93-618, title II, § 240, Jan. 3, 1975, 88 Stat. 2025.)

§ 2313. Payments to States

(a) Certification to Secretary of the Treasury for payment to cooperating States

The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each cooperating State the sums necessary to enable such State as agent of the United States to make payments provided for by this part. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State from the Adjustment Assistant Trust Fund established in section 2317 of this title in accordance with such certification.

(b) Utilization or return of money

All money paid a State under this section shall be used solely for the purposes for which it is paid; and money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under this subpart, to the Secretary of the Treasury and credited to Adjustment Assistance Trust Fund.

(c) Surety bonds

Any agreement under this subpart may require any officer or employee of the State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this part.

(Pub. L. 93-618, title II, § 241, Jan. 3, 1975, 88 Stat. 2025.)

§ 2314. Liabilities of certifying and disbursing officers

(a) No person designated by the Secretary, or designated pursuant to an agreement under this subpart, as a certifying officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment certified by him under this part.

(b) No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this part if it was based upon a voucher signed by a certifying officer designated as provided in subsection (a) of this section.

(Pub. L. 93-618, title II, § 242, Jan. 3, 1975, 88 Stat. 2026.)

§ 2315. Recovery of overpayments

(a) If a cooperating State agency or the Secretary, or a court of competent jurisdiction finds that any person—

(1) has made or has caused to be made by another, a false statement or representation of a material fact knowing it to be false, or has knowingly failed or caused another to fail to disclose a material fact; and

(2) as a result of such action has received any payment under this part to which he was not entitled,

such person shall be liable to repay such amount to the State agency or the Secretary as the case may be, or either may recover such amount by deductions from any sums payable to such person under this part. Any such finding by a State agency or the Secretary may be made only after an opportunity for a fair hearing.

(b) Any amount repaid to a State agency under this section shall be deposited into the fund from which payment was made. Any amount repaid to the Secretary under this section shall be returned to the Secretary of the Treasury and credited to the Adjustment Assistance Trust Fund.

(Pub. L. 93-618, title II, § 243, Jan. 3, 1975, 88 Stat. 2026.)

§ 2316. Penalties

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this part or pursuant to an agreement under section 2311 of this title shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(Pub. L. 93-618, title II, § 244, Jan. 3, 1975, 88 Stat. 2026.)

§ 2317. Adjustment Assistance Trust Fund

(a) There is hereby established on the books of the Treasury of the United States a trust fund to be known as the "Adjustment Assistance Trust Fund" (referred to in this section as the "Trust Fund"). The Trust Fund shall consist of such amounts as may be deposited in it pursuant to the authorization contained in subsection (b) of this section. Amounts in the Trust Fund may be used only to carry out the provisions of this part (including administrative costs). The Secretary of the Treasury shall be the trustee of the Trust Fund and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

(b)(1) There are hereby authorized to be appropriated to the Trust Fund, out of amounts in the general fund of the Treasury attributable to the collections of customs duties not otherwise appropriated, for each fiscal year ending after January 3, 1975, such sums as may be necessary to carry out the provisions of this part (including administrative costs).

(2) There are authorized to be appropriated to the Trust Fund, for purposes of training (including administrative costs) under section 2296 of this title such sums as may be necessary.

(Pub. L. 93-618, title II, § 245, Jan. 3, 1975, 88 Stat. 2026.)

Section Referred to in Other Sections

This section is referred to in section 2313 of this title.

§ 2318. Transitional provisions

(a) Where a group of workers has been certified as eligible to apply for adjustment assistance under section 302(b)(2) or (c) of the Trade Expansion Act of 1962 [19 U.S.C. 1902(b)(2) or (c)], any worker who has not had an application for trade readjustment allowances under section 322 of that Act [19 U.S.C. 1941] denied before the effective date of this part may apply under section 2291 of this title as if the group certification under which he claims coverage had been made under subpart A of this part.

(b) In any case where a group of workers or their certified or recognized union or other duly authorized representative has filed a petition under section 301(a)(2) of the Trade Expansion Act of 1962 [19 U.S.C. 1901(a)(2)], more than 4 months before the effective date of this part and

(1) the Commission has not rejected such petition before the effective date of this part, and

(2) the President or his delegate has not issued a certification under section 302(c) of that Act [19 U.S.C. 1902(c)] to the petitioning group before the effective date of this part,

such group or representative thereof may file a new petition under section 2271 of this title, not later than 90 days after the effective date of this part. For purposes of section 2273(b)(1) of this title, the date on which such group or representative filed the petition under the Trade Expansion Act of 1962 [19 U.S.C. 1801 et seq.] shall apply. Section 2273(b)(2) of this title shall not apply to workers covered by a certification issued pursuant to a petition meeting the requirements of this subsection.

(c) A group of workers may file a petition under section 2271 of this title covering weeks of unemployment (as defined in the Trade Expansion Act of 1962 [19 U.S.C. 1801 et seq.]) beginning before the effective date of this part, or covering such weeks and also weeks of unemployment beginning on or after the effective date of this part.

(d) Any worker receiving payments pursuant to this section shall be entitled—

(1) for weeks of unemployment (as defined in the Trade Expansion Act of 1962 [19 U.S.C. 1801 et seq.]) beginning before the effective date of this part, to the rights and privileges provided in chapter 3 of title III of such Act [19 U.S.C. 1931 et seq.], and

(2) for weeks of unemployment beginning on or after the effective date of this part, to the rights and privileges provided in this part, except that the total number of weeks of unemployment, as defined in the Trade Expansion Act of 1962 [19 U.S.C. 1801 et seq.], for which trade readjustment allowances were payable under that Act shall be deducted from the total number of weeks of unemployment for which an adversely affected worker is eligible for trade readjustment allowances under this part.

(e) The Commission shall make available to the Secretary on request data it has acquired in investigations under section 301 of the Trade Expansion Act of 1962 [19 U.S.C. 1901] concluded within the 2-year period ending on the effective date of this part which did not result in Presidential action under section 302(a)(3) or 302(c) of that Act [19 U.S.C. 1902(a)(3) or 1902(c)].

(Pub. L. 93-618, title II, § 246, Jan. 3, 1975, 88 Stat. 2027.)

REFERENCES IN TEXT

Sections 301, 302, and 322 of the Trade Expansion Act of 1962, referred to in text, which were classified to sections 1901, 1902, and 1941 of this title, respectively, were repealed by Pub. L. 93-618, § 602(d), (e). See section 2271 et seq. of this title for successor provisions.

For the effective date of this part, referred to in text, see Effective and Termination Date note set out preceding section 2271 of this title.

The Trade Expansion Act of 1962, referred to in subsecs. (b), (c) and (d), is Pub. L. 87-794, Oct. 11, 1962, 76 Stat. 872, which is classified principally to chapter 7 (§ 1801 et seq.) of this title. Chapter 3 of title III of the Trade Expansion Act of 1962, also referred to in subsec. (d), is classified generally to part III (§ 1931 et seq.) of subchapter III of chapter 7 of this title, which was repealed by Pub. L. 93-618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072. For complete classification of this Act to the Code see Short Title note set out under section 1801 of this title and Tables volume.

§ 2319. Definitions

For purposes of this part—

(1) The term "adversely affected employment" means employment in a firm or appropriate subdivision of a firm, if workers of such firm or subdivison are eligible to apply for adjustment assistance under this part.

(2) The term "adversely affected worker" means an individual who, because of lack of work in adversely affected employment—

(A) has been totally or partially separated from such employment, or

(B) has been totally separated from employment with the firm in a subdivision of which such adversely affected employment exists.

(3) The term "average weekly manufacturing wage" means the national gross average weekly earnings of production workers in manufacturing industries for the latest calendar year (as officially published annually by the Bureau of Labor Statistics of the Department of Labor) most recently published before the period for which the assistance under this part is furnished.

(4) The term "average weekly wage" means one-thirteenth of the total wages paid to an individual in the high quarter. For purposes of this computation, the high quarter shall be that quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made. Such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

(5) The term "average weekly hours" means the average hours worked by the individual (excluding overtime) in the employment from which he has been or claims to have been separated in the 52 weeks (excluding weeks during which the individual was sick or on vacation) preceding the week specified in the last sentence of paragraph (4).

(6) The term "partial separation" means, with respect to an individual who has not been totally separated, that he has had—

(A) his hours of work reduced to 80 percent or less of his average weekly hours in adversely affected employment, and

(B) his wages reduced to 80 percent or less of his average weekly wage in such adversely affected employment.

(7) The term "remuneration" means wages and net earnings derived from services performed as a self-employed individual.

(8) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico; and the term "United States" when used in the geographical sense includes such Commonwealth.

(9) The term "State agency" means the agency of the State which administers the State law.

(10) The term "State law" means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of title 26.

(11) The term "total separation" means the layoff or severance of an individual from employment with a firm in which, or in a subdivision of which, adversely affected employment exists.

(12) The term "unemployment insurance" means the unemployment insurance payable to an individual under any State law or Federal unemployment insurance law, including chapter 85 of title 5 and the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.].

(13) The term "week" means a week as defined in the applicable State law.

(14) The term "week of unemployment" means with respect to an individual any week for which his remuneration for services performed during such week is less than 80 percent of his average weekly wage and in which, because of lack of work—

(A) if he has been totally separated, he worked less than the full-time week (excluding overtime) in his current occupation, or

(B) if he has been partially separated, he worked 80 percent or less of his average weekly hours.

(Pub. L. 93-618, title II, § 247, Jan. 3, 1975, 88 Stat. 2028.)

REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in par. (12), is act June 25, 1938, ch. 680, 52 Stat. 1094, which is classified principally to chapter 11 (§ 351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Tables volume.

§ 2320. Regulations

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this part.

(Pub. L. 93-618, title II, § 248, Jan. 3, 1975, 88 Stat. 2029.)

§ 2321. Subpena power

(a) The Secretary may require by subpena the attendance of witnesses and the production of evidence necessary for him to make a determination under the provisions of this part.

(b) If a person refuses to obey a subpena issued under subsection (a) of this section, a United States district court within the jurisdiction of which the relevant proceeding under this part is conducted may, upon petition by the Secretary, issue an order requiring compliance with such subpena.

(Pub. L. 93-618, title II, § 249, Jan. 3, 1975, 88 Stat. 2029.)

§ 2322. Judicial review

(a) Petition for review; time and place of filing

A worker, group of workers, certified or recognized union, or an authorized representative of such worker or group, aggrieved by a final determination by the Secretary under the provisions of section 2273 of this title may, within 60 days after notice of such determination, file a petition for review of such determination with the United States court of appeals for the circuit in which such worker or group is located or in the United States Court of Appeals for the District of Columbia Circuit. The clerk of such court shall send a copy of such petition to the Secretary. Upon receiving such petition, the Secretary shall promptly certify and file in such court the record on which he based such determination.

(b) Findings of fact by Secretary; conclusiveness; new or modified findings

The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Jurisdiction; review by Supreme Court

The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(Pub. L. 93-618, title II, § 250, Jan. 3, 1975, 88 Stat. 2029.)

PART 3—ADJUSTMENT ASSISTANCE FOR FIRMS

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2251, 2252, 2391 of this title.

§ 2341. Petitions and determinations

(a) Filing of petition; receipt of petition; initiation of investigation

A petition for a certification of eligibility to apply for adjustment assistance under this part may be filed with the Secretary of Commerce (hereinafter in this part referred to as the "Secretary") by a firm or its representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that he has received the petition and initiated an investigation.

(b) Public hearing

If the petitioner, or any other person, organization, or group found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) of this section a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

(c) Certification

The Secretary shall certify a firm as eligible to apply for adjustment assistance under this part if he determines—

(1) that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such firm contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

(d) Allowable period for determination

A determination shall be made by the Secretary as soon as possible after the date on which the petition is filed under this section, but in any event not later than 60 days after that date.

(Pub. L. 93-618, title II, § 251, Jan. 3, 1975, 88 Stat. 2030.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2342, 2343, 2346, 2353 of this title.

§ 2342. Approval of adjustment proposals

(a) Application for adjustment assistance

A firm certified under section 2341 of this title as eligible to apply for adjustment assistance may, at any time within 2 years after the date of such certification, file an application with the Secretary for adjustment assistance under this part. Such application shall include a proposal for the economic adjustment of such firm.

(b) Technical and financial assistance

(1) Adjustment assistance under this part consists of technical assistance and financial assistance, which may be furnished singly or in combination. The Secretary shall approve a firm's application for adjustment assistance only if he determines—

(A) that the firm has no reasonable access to financing through the private capital market, and

(B) that the firm's adjustment proposal—

(i) is reasonably calculated materially to contribute to the economic adjustment of the firm,

(ii) gives adequate consideration to the interests of the workers of such firm, and

(iii) demonstrates that the firm will make all reasonable efforts to use its own resources for economic development.

(2) The Secretary shall make a determination as soon as possible after the date on which an application is filed under this section, but in no event later than 60 days after such date.

(c) Preparation of viable adjustment proposal

In order to assist a firm which has been certified as eligible to apply for adjustment assistance under this part in preparing a viable adjustment proposal, the Secretary may furnish technical assistance to such firm.

(d) Termination of certification of eligibility

Whenever the Secretary determines that any firm no longer requires assistance under this part, he shall terminate the certification of eligibility of such firm and promptly have notice of such termination published in the Federal Register. Such termination shall take effect on the termination date specified by the Secretary.

(Pub. L. 93-618, title II, § 252, Jan. 3, 1975, 88 Stat. 2030.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2346 of this title.

§ 2343. Technical assistance

(a) Assistance in developing and implementing proposals for economic adjustment

The technical assistance furnished under this part shall consist of—

(1) assistance to the firm in developing a proposal for its economic adjustment,

(2) assistance in the implementation of such a proposal, or

(3) both.

(b) Discretion of Secretary

The Secretary may provide to a firm certified under section 2341 of this title, on such terms and conditions as he determines to be appropriate, such technical assistance as in his judgment will carry out the purposes of this part with respect to such firm.

(c) Utilization of existing agencies and private individuals, firms, and institutions in furnishing technical assistance

The Secretary shall furnish technical assistance under this part through existing agencies and through private individuals, firms, and institutions. In the case of assistance furnished through private individuals, firms, and institutions (including private consulting services), the Secretary may share the cost thereof (but not more than 75 percent of such cost may be borne by the United States).

(Pub. L. 93-618, title II, § 253, Jan. 3, 1975, 88 Stat. 2031.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2350 of this title.

§ 2344. Financial assistance

(a) Direct loans and guarantees of loans

The Secretary may provide to a firm, on such terms and conditions as he determines to be appropriate, such financial assistance in the form of direct loans or guarantees of loans as in his judgment will materially contribute to the economic adjustment of the firm. The assumption of an outstanding indebtedness of the firm, with or without recourse, shall be considered to be the making of a loan for purposes of this section.

(b) Allowable purposes

Loans or guarantees of loans shall be made under this part only for the purpose of making funds available to the firm—

(1) for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery, or

(2) to supply such working capital as may be necessary to enable the firm to implement its adjustment proposal.

(c) Availability of loan funds from private sources

To the extent that loan funds can be obtained from private sources (with or without a guarantee) at the rate provided in the first sentence of section 2345(b) of this title, no direct loan shall be provided to a firm under this part.

(Pub. L. 93-618, title II, § 254, Jan. 3, 1975, 88 Stat. 2031.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2347, 2350 of this title.

§ 2345. Conditions for financial assistance

(a) Unavailability of firm's resources; reasonable assurance of repayment

No financial assistance shall be provided under this part unless the Secretary determines—

(1) that the funds required are not available from the firm's own resources; and

(2) that there is reasonable assurance of repayment of the loan.

(b) Interest rates

The rate of interest on loans which are guaranteed under this part shall be no higher than the maximum interest per annum that a participating financial institution may establish on guaranteed loans made pursuant to section 7(a) of the Small business Act (15 U.S.C. 636(a)). The rate of interest on direct loans made under this part shall be (i) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity that are comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 percent, plus (ii) an amount adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program.

(c) Maturity of loans

The Secretary shall make no loan or guarantee of a loan having a maturity in excess of 25 years, including renewals and extensions. Such limitation on maturities shall not, however, apply—

(1) to securities or obligations received by the Secretary as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon insolvency of the obligor, or

(2) to an extension or renewal for an additional period not exceeding 10 years, if the Secretary determines that such extension or renewal is reasonably necessary for the orderly liquidation of the loan.

(d) Priority for small firms

In making guarantees of loans, and in making direct loans, the Secretary shall give priority to firms which are small within the meaning of the Small Business Act [15 U.S.C. 631 et seq.] (and regulations promulgated thereunder).

(e) Percentage maximum on loan guarantees

No loan shall be guaranteed by the Secretary in an amount which exceeds 90 percent of the balance of the loan outstanding.

(f) Operating reserves

The Secretary shall maintain operating reserves with respect to anticipated claims under guarantees made under this part. Such reserves shall be considered to constitute obligations for purposes of section 200 of title 31.

(g) Fees to lenders which make loan guarantees

The Secretary may charge a fee to a lender which makes a loan guaranteed under this part in such amount as is necessary to cover the cost of administration of such guarantee.

(h) Maximum aggregate amount of outstanding guaranteed or direct loans

(1) The aggregate amount of loans made to any firm which are guaranteed under this part and which are outstanding at any time shall not exceed $3,000,000.

(2) The aggregate amount of direct loans made to any firm under this part which are outstanding at any time shall not exceed $1,000,000.

(Pub. L. 93-618, title II, § 255, Jan. 3, 1975, 88 Stat. 2031.)

REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (d), is Pub. L. 85-536, July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§ 631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2344 of this title.

§ 2346. Delegation of functions to Small Business Administration; authorization of appropriations; transfer of unexpended balances of appropriations

(a) Delegation of functions as to eligibility certification

In the case of any firm which is small (within the meaning of the Small Business Act [15 U.S.C. 631 et seq.] and regulations promulgated thereunder), the Secretary may delegate all of his functions under this part (other than the functions under sections 2341 and 2342(d) of this title with respect to the certification of eligibility and section 2354 of this title) to the Administrator of the Small Business Administration.

(b) Authorization of appropriations

There are hereby authorized to be appropriated to the Secretary such sums as may be necessary from time to time to carry out his functions under this part in connection with furnishing adjustment assistance to firms, which sums are authorized to be appropriated to remain available until expended.

(c) Transfer of unexpended appropriations

The unexpended balances of appropriations authorized by section 1912(d) of this title are transferred to the Secretary to carry out his functions under this part.

(Pub. L. 93-618, title II, § 256, Jan. 3, 1975, 88 Stat. 2032.)

REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (a), is Pub. L. 85-536, July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§ 631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables volume.

Section 1912 of this title, referred to in subsec. (c), was repealed by section 602(e) of Pub. L. 93-618. See section 2341 et seq. of this title for successor provisions.

§ 2347. Administration of financial assistance

(a) Powers of Secretary

In making and administering guarantees and loans under section 2344 of this title, the Secretary may—

(1) require security for any such guarantee or loan, and enforce, waive, or subordinate such security;

(2) assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with such guarantees or loans, and collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(3) renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees or loans;

(4) acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

(5) exercise all such other powers and take all such other acts as may be necessary or in-

cidental to the carrying out of functions pursuant to section 2344 of this title.

(b) Recordation of mortgages

Any mortgage acquired as security under subsection (a) of this section shall be recorded under applicable State law.

(c) Availability of receipts for financing functions

All repayments of loans, payments of interest, and other receipts arising out of transactions entered into by the Secretary pursuant to this part, shall be available for financing functions performed under this part, including administrative expenses in connection with such functions.

(Pub. L. 93-618, title II, § 257, Jan. 3, 1975, 88 Stat. 2033.)

§ 2348. Protective provisions

(a) Recordkeeping

Each recipient of adjustment assistance under this part shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such adjustment assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary may prescribe.

(b) Audit and examination

The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to adjustment assistance under this part.

(c) Certifications

No adjustment assistance under this part shall be extended to any firm unless the owners, partners, or officers certify to the Secretary—

(1) the names of any attorneys, agents, and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such adjustment assistance; and

(2) the fees paid or to be paid to any such person.

(d) Conflicts of interest

No financial assistance shall be provided to any firm under this part unless the owners, partners, or officers shall execute an agreement binding them and the firm for a period of 2 years after such financial assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any person who, on the date such assistance or any part thereof was provided, or within 1 year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Secretary shall have determined involve discretion with respect to the provisiosn of such financial assistance.

(Pub. L. 93-618, title II, § 258, Jan. 3, 1975, 88 Stat. 2033.)

§ 2349. Penalties

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way a determination under this part, or for the purpose of obtaining money, property, or anything of value under this part, shall be fined not more than $5,000 or imprisoned for not more than 2 years, or both.

(Pub. L. 93-618, title II, § 259, Jan. 3, 1975, 88 Stat. 2034.)

§ 2350. Civil actions

In providing technical and financial assistance under this part the Secretary may sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against him or his property. Nothing in this section shall be construed to except the activities pursuant to sections 2343 and 2344 of this title from the application of sections 516, 547, and 2679, of title 28.

(Pub. L. 93-618, title II, § 260, Jan. 3, 1975, 88 Stat. 2034.)

§ 2351. Definitions

For purposes of this part, the term "firm" includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court. A firm, together with any predecessor or successor firm, or any affiliated firm controlled or substantially beneficially owned by substantially the same persons, may be considered a single firm where necessary to prevent unjustifiable benefits.

(Pub. L. 93-618, title II, § 261, Jan. 3, 1975, 88 Stat. 2034.)

§ 2352. Regulations

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this part.

(Pub. L. 93-618, title II, § 262, Jan. 3, 1975, 88 Stat. 2034.)

§ 2353. Transitional provisions

(a) In any case where a firm or its representative has filed a petition with the International Trade Commission (hereafter in this part referred to as the "Commission") under section 1901(a)(2) of this title, and the Commission has not made its determination under section 1901(c) of this title before the effective date of this part, such firm may reapply under the provisions of section 2341 of this title. In order to assist the Secretary in making his determination under such section 2341 of this title with respect to such firm, the Commission shall make available to the Secretary, on request, data it has acquired with respect to its investigation.

(b) If, on the effective date of this part, the President (or his delegate) has not taken action under section 1902(c) of this title with respect to a report of the Commission containing an affirmative finding under section 1901(c) of this title or a report with respect to which an equal number of Commissioners are evenly divided, the Secretary may treat such report as a certification of eligiblity made under section 2341 of this title on the effective date of this part.

(c) Any certification of eligibility of a firm under section 1902(c) of this title made before the effective date of this part shall be treated as a certification of eligibility made under section 2341 of this title on the date of the enactment of this part; except that any firm whose adjustment proposal was certified under section 1911 of this title before the effective date of this part may receive adjustment assistance at the level set forth in such certified proposal.

(Pub. L. 93-618, title II, § 263, Jan. 3, 1975, 88 Stat. 2034.)

REFERENCES IN TEXT

Sections 1901, 1902, and 1911 of this title, referred to in text, were repealed by section 602(d), (e) of Pub. L. 93-618. See sections 2251 et seq. and 2341 et seq. of this title for successor provisions.

For the effective date of this part, referred to in text, see Effective and Termination Date note set out preceding section 2271 of this title.

§ 2354. Study by Secretary of Commerce when International Trade Commission begins investigation

(a) Subject matter of study

Whenever the Commission begins an investigation under section 2251 of this title with respect to an industry, the Commission shall immediately notify the Secretary of such investigation, and the Secretary shall immediately begin a study of—

(1) the number of firms in the domestic industry producing the like or directly competitive article which have been or are likely to be certified as eligible for adjustment assistance, and

(2) the extent to which the orderly adjustment of such firms to the import competition may be facilitated through the use of existing programs.

(b) Report; publication

The report of the Secretary of the study under subsection (a) of this section shall be made to the President not later than 15 days after the day on which the Commission makes its report under section 2251 of this title. Upon making its report to the President, the Secretary shall also promptly make it public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the Federal Register.

(c) Information to firms

Whenever the Commission makes an affirmative finding under section 2251(b) of this title that increased imports are a substantial cause of serious injury or threat thereof with respect to an industry, the Secretary shall make available, to the extent feasible, full information to the firms in such industry about programs which may facilitate the orderly adjustment to import competition of such firms, and he shall provide assistance in the preparation and processing of petitions and applications of such firms for program benefits.

(Pub. L. 93-618, title II, § 264, Jan. 3, 1975, 88 Stat. 2035.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2346 of this title.

PART 4—ADJUSTMENT ASSISTANCE FOR COMMUNITIES

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2251, 2252, 2391 of this title.

§ 2371. Petitions and determinations

(a) Filing of petition; receipt of petition; initiation of investigation

A petition for certification of eligibility for adjustment assistance under this part may be filed with the Secretary of Commerce (hereinafter in this part referred to as the "Secretary") by a political subdivision of a State (hereinafter in this part referred to as a "community"), by a group of such communities, or by the Governor of a State on behalf of such communities. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that he has received the petition and initiated an investigation.

(b) Public hearing

If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the Secretary's publication of notice under subsection (a) of this section a request for a hearing the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

(c) Certification

The Secretary shall certify a community as eligible for adjustment assistance under this part if he determines—

(1) that a significant number or portion of the workers in the trade impacted area in which such community is located have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of firms, or subdivisions of firms, located in the trade impacted area specified in paragraph (1) have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by firms, or subdivisions of firms, located in the trade impacted area specified in paragraph (1) or that the transfer of firms or subdivisions of firms located in such area to foreign countries have contributed importantly to the total or partial separations, or threats thereof, described in paragraph (1) and to the decline in sales or production described in paragraph (2).

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

(d) Allowable period for determination

As soon as possible after the date on which a petition is filed under this section, but in any event not later than 60 days after that date, the Secretary shall determine whether the petitioning community, or group of communities, meets the requirements of subsection (c) of this section and shall issue a certification of eligibility for assistance under this part covering any community located in the same trade impacted area in which the petitioner is located which meets such requirements.

(e) Size and boundaries of trade impacted areas; criteria

The Secretary, after consulting the Secretary of Labor, shall establish the size and boundaries of each trade impacted area, considering the criteria in subsection (c) of this section and, to the extent they are relevant, the factors specified as criteria for redevelopment areas under section 3161 of title 42.

(f) Termination of certification of eligibility

If the Secretary determines that a community requires no additional assistance under this part, he shall terminate the certification of eligibility of such community and promptly have notice of such termination published in the Federal Register. Such termination shall take effect on the termination date specified by the Secretary.

(Pub. L. 93-618, title II, § 271, Jan. 3, 1975, 88 Stat. 2035.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2372 of this title.

§ 2372. Trade Impacted Area Councils for Adjustment Assistance

(a) Establishment

Within 60 days after a community is certified under section 2371 of this title, the Secretary shall send his representatives to the trade impacted area in which such community is located to inform officials of communities and other residents of such area about benefits available to them under this chapter and to assist such officials and residents in establishing a Trade Impacted Area Council for Adjustment Assistance (hereinafter in this part referred to as the "Council") for such area.

(b) Duty and function of Councils

(1) The Secretary shall establish, subject to the last sentence of this paragraph, a Council for each trade impacted area in which one or more communities are certified under section 2371 of this title. Such Council shall—

(A) develop a proposal for an adjustment assistance plan for the economic rejuvenation of certified communities in its trade impacted area, and

(B) coordinate community action under the adjustment assistance plan, as approved by the Secretary.

If an appropriate entity for purposes of performing the functions specified in subparagraphs (A) and (B) already exists in such area, then the Secretary may designate such entity as the Council for such area.

(2) Such Council shall include representatives of certified communities, industry, labor, and the general public located in the trade impacted area covered by the Council.

(c) Grants for staff

Upon application by a Council established under subsection (b) of this section, the Secretary is authorized to make grants to such Council for maintaining an appropriate professional and clerical staff. No grant shall be made to a Council to maintain staff after the period which ends 2 years after the date on which such Council is established or designated.

(d) Applications for adjustment assistance

A Council established under this section may file an application with the Secretary for adjustment assistance under this part. Such application shall include the Council's proposal for an adjustment assistance plan for the communities in its trade impacted area.

(Pub. L. 93-618, title II, § 272, Jan. 3, 1975, 88 Stat. 2036.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2373, 2374 of this title.

§ 2373. Program benefits

(a) Types of adjustment assistance

Adjustment assistance under this part consists of—

(1) all forms of assistance, other than loan guarantees, which are provided to a redevelopment area under the Public Works and Economic Development Act of 1965 [42 U.S.C. 3121 et seq.], and

(2) the loan guarantee program described in subsection (d) of this section.

(b) Approval of adjustment assistance plan

No adjustment assistance may be extended to any community or person in a trade impacted area under this part unless the Secretary approves the adjustment assistance plan submitted to him under section 2372(d) of this title.

(c) Public Works and Economic Development Act of 1965

For purposes of the Public Works and Economic Development Act of 1965 [42 U.S.C. 3121 et seq.]

(1) a trade impacted area for which an adjustment assistance plan has been approved under section 2372(d) of this title shall be treated as a redevelopment area, except that—

(A) no loan guarantees may be made to any person under such Act; and

(B) no loan or grant may be made to any recipient in such an area after September 30, 1980, and

(2) approval of an adjustment assistance plan submitted under section 2372(d) of this title shall be treated as approval of an overall economic development program under section 202(b)(10) of such Act [42 U.S.C. 3142(b)(10)].

(d) Loan guarantees

The Secretary is authorized to guarantee loans for—

(1) the acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery, and

(2) working capital,

made to private borrowers by private lending institutions in connection with projects in trade impacted areas subject to the same terms and conditions to which loan guarantees are subject under section 202 of the Public Works and Economic Development Act of 1965 [42 U.S.C. 3142], including record and audit requirements and penalties, except that—

(1) no new loan guarantee may be made under this subsection after September 30, 1982,

(2) a loan guarantee may be made for the entire amount of the outstanding unpaid balance of such loan, and

(3) no more than 20 percent of the amount of loan guarantees made under this subsection by the United States may be made in one State.

(e) Agreement of State or community to pay a portion of liability arising on loan guarantees

The Governor of the State, the authorized representative of the community, or the Governor of the State and the authorized representative of the community, in which an applicant for a loan guarantee under subsection (b) of this section is located may enter into an agreement with the Secretary which provides that such State or such community, or that such State and such community, will pay not to exceed one-half of the amount of any liability which arises on a loan guarantee made under subsection (d) of this section if the State in which the applicant for such guarantee is located has established by law a program approved by the Secretary for the purposes of this section.

(f) Preference to corporations with employee stock ownership plan; requisite features of plan

(1) When considering whether to guarantee a loan to a corporation which is otherwise qualified for the purposes of subsection (d) of this section, the Secretary shall give preference to a corporation which agrees with respect to such loan to fulfill the following requirements—

(A) 25 percent of the principal amount of the loan is paid by the lender to a qualified trust established under an employee stock ownership plan established and maintained by the recipient corporation, by a parent or subsidiary of such corporation, or by several corporations including the recipient corporation.

(B) the employee stock ownership plan meets the requirements of this subsection, and

(C) the agreement among the recipient corporation, the lender, and the qualified trust relating to the loan meets the requirements of this section.

(2) An employee stock ownership plan does not meet the requirements of this subsection unless the governing instrument of the plan provides that—

(A) the amount of the loan paid under paragraph (1)(A) to the qualified trust will be used to purchase qualified employer securities,

(B) the qualified trust will repay to the lender the amount of such loan, together with the interest thereon, out of amounts contributed to the trust by the recipient corporation, and

(C) from time to time, as the qualified trust repays such amount, the trust will allocate qualified employer securities among the individual accounts of participants and their beneficiaries in accordance with the provisions of paragraph (4).

(3) The agreement among the recipient corporation, the lender, and the qualified trust does not meet the requirements of this subsection unless—

(A) it is unconditionally enforceable by any party against the others, jointly and severally,

(B) it provides that the liability of the qualified trust to repay loan amounts paid to the qualified trust may not, at any time, exceed an amount equal to the amount of contributions required under paragraph (2)(B) which are actually received by such trust,

(C) it provides that amounts received by the recipient corporation from the qualified trust for qualified employer securities purchased for the purpose of this subsection will be used exclusively by the recipient corporation for those purposes for which it may use that portion of the loan paid directly to it by the lender,

(D) it provides that the recipient corporation may not reduce the amount of its equity capital during the one year period beginning on the date on which the qualified trust purchases qualified employer securities for purposes of this subsection, and

(E) it provides that the recipient corporation will make contributions to the qualified trust of not less than such amounts as are necessary for such trust to meet its obligation to make repayments of principal and interest on the amount of the loan received by the trust without regard to whether such contributions are deductible by the corporation under section 404 of title 26 and with out regard to any other amounts the recipient corporation is obligated under law to contribute to or under the employee stock ownership plan.

(4) At the close of each plan year, an employee stock ownership plan shall allocate to the accounts of participating employees that portion of the qualified employer securities the cost of which bears substantially the same ratio to the cost of all the qualified employer securities purchased under paragraph (2)(A) of this subsection as the amount of the loan principal and interest repaid by the qualified trust during that year bears to the total amount of the loan principal and interest payable by such trust during the term of such loan. Qualified employer securities allocated to the individual account of a participant during one plan year must bear substantially the same proportion to the amount of all such securities allocated to all participants in the plan as the amount of compensa-

tion paid to such participant bears to the total amount of compensation paid to all such participants during that year.

(5) For purposes of this subsection, the term—

(A) "employee stock ownership plan" means a plan described in section 407(d)(6) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1107(d)(6)], section 4975(e)(7) of title 26, and in section 702(5) of title 45 which meets the requirements of title I of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1001 et seq.] and of part I of subchapter D of chapter 1 of title 26,

(B) "qualified trust" means a trust established under an employee stock ownership plan and meeting the requirements of title I of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1001 et seq.] and of part I of subchapter D of chapter 1 of title 26,

(C) "qualified employer securities" means common stock issued by the recipient corporation or by a parent or subsidiary of such corporation with voting power and dividend rights no less favorable than the voting power and dividend rights on other common stock issued by the issuing corporation and with voting power being exercised by the participants in the employee stock ownership plan after it is allocated to their plan accounts, and

(D) "equity capital" means, with respect to the recipient corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property but disregarding adjustments made on account of depreciation or amortization made during the period described in paragraph (3)(D)), less the amount of its indebtedness.

(g) Maximum United States share of loan guarantees

The United States share of loan guarantees made under subsection (d) of this section on loans which are outstanding at any time may not exceed $500,000,000.

(Pub. L. 93-618, title II, § 273, Jan. 3, 1975, 88 Stat. 2037.)

REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in subsecs. (a) and (c), is Pub. L. 89-136, Aug. 26, 1965, 79 Stat. 552, which is classified generally to chapter 38 (§ 3121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables volume.

The Employee Retirement Income Security Act of 1974, referred to in subsec. (f)(5)(A),(B), is Pub. L. 93-406, Sept. 2, 1974, 88 Stat. 832. Title I of the Employee Retirement Income Security Act of 1974 is classified generally to subchapter 1 (§ 1001 et seq.) of chapter 18 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 29 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2374 of this title.

§ 2374. Community Adjustment Assistance Fund; authorization of appropriations

(a) There is established on the books of the Treasury of the United States a revolving fund to be known as the Community Adjustment Assistance Fund. The fund shall consist of such amounts as may be deposited in it pursuant to the authorization in subsection (b) of this section and any collections, repayments of loans, or other receipts received under the program established in section 2373(a) of this title. Amounts in the fund may be used only to carry out the provisions of sections 2372 and 2373(b) of this title, including administrative costs. Amounts appropriated to the fund shall be available to the Secretary without fiscal year limitation. Upon liquidation of all remaining obligations, any balances remaining in the fund after September 30, 1980, shall be transferred to the general fund of the Treasury.

(b) There are authorized to be appropriated to the Community Adjustment Assistance Fund, for the purpose of carrying out the provisions of sections 2372 and 2373(a) of this title, $100,000,000 for the fiscal year ending June 30, 1975, and such sums as may be necessary for the succeeding 7 fiscal years.

(c) There are authorized to be appropriated to the Secretary such sums as may be necessary for carrying out the loan guarantee program under section 2373(d) of this title.

(Pub. L. 93-618, title II, § 274, Jan. 3, 1975, 88 Stat. 2040.)

PART 5—MISCELLANEOUS PROVISIONS

§ 2391. General Accounting Office study and report

(a) The Comptroller General of the United States shall conduct a study of the adjustment assistance programs established under parts 2, 3, and 4 of this subchapter and shall report the results of such study to the Congress no later than January 31, 1980. Such report shall include an evaluation of—

(1) the effectiveness of such programs in aiding workers, firms, and communities to adjust to changed economic conditions resulting from changes in the patterns of international trade; and

(2) the coordination of the administration of such programs and other Government programs which provide unemployment compensation and relief to depressed areas.

(b) In carrying out his responsibilities under this section, the Comptroller General shall, to the extent practical, avail himself of the assistance of the Departments of Labor and Commerce. The Secretaries of Labor and Commerce shall make available to the Comptroller General any assistance necessary for an effective evaluation of the adjustment assistance programs established under this subchapter.

(Pub. L. 93-618, title II, § 280, Jan. 3, 1975, 88 Stat. 2040.)

§ 2392. Adjustment Assistance Coordinating Committee

There is established the Adjustment Assistance Coordinating Committee to consist of a Deputy Special Trade Representative as Chairman, and the officials charged with adjustment assistance responsibilities of the Departments of Labor and Commerce and the Small Business Administration. It shall be the function of the Committee to coordinate the adjustment assistance policies, studies, and programs of the various agencies involved and to promote the efficient and effective delivery of adjustment assistance benefits.

(Pub. L. 93-618, title II, § 281, Jan. 3, 1975, 88 Stat. 2040.)

§ 2393. Trade monitoring system

The Secretary of Commerce and the Secretary of Labor shall establish and maintain a program to monitor imports of articles into the United States which will reflect changes in the volume of such imports, the relation of such imports to changes in domestic production, changes in employment within domestic industries producing articles like or directly competitive with such imports, and the extent to which such changes in production and employment are concentrated in specific geographic regions of the United States. A summary of the information gathered under this section shall be published regularly and provided to the Adjustment Assistance Coordinating Committee, the International Trade Commission, and to the Congress.

(Pub. L. 93-618, title II, § 282, Jan. 3, 1975, 88 Stat. 2040.)

§ 2394. Firms relocating in foreign countries

Before moving productive facilities from the United States to a foreign country, every firm should—

(1) provide notice of the move to its employees who are likely to be totally or partially separated as a result of the move at least 60 days before the date of such move, and

(2) provide notice of the move to the Secretary of Labor and the Secretary of Commerce on the same day it notifies employees under paragraph (1).

(b)[1] It is the sense of the Congress that every such firm should—

(1) apply for and use all adjustment assistance for which it is eligible under this subchapter,

(2) offer employment opportunities in the United States, if any exist, to its employees who are totally or partially separated workers as a result of the move, and

(3) assist in relocating employees to other locations in the United States where employment opportunities exist.

(Pub. L. 93-618, title II, § 283, Jan. 3, 1975, 88 Stat. 2041.)

SUBCHAPTER III—RELIEF FROM UNFAIR TRADE PRACTICES

§ 2411. Foreign import restrictions and export subsidies; responses to certain trade practices of foreign governments

(a) Presidential action to eliminate restrictions or subsidies

Whenever the President determines that a foreign country or instrumentality—

(1) maintains unjustifiable or unreasonable tariff or other import restrictions which impair the value of trade commitments made to the United States or which burden, restrict, or discriminate against United States commerce,

(2) engages in discriminatory or other acts or policies which are unjustifiable or unreasonable and which burden or restrict United States commerce,

(3) provides subsidies (or other incentives having the effect of subsidies) on its exports of one or more products to the United States or to other foreign markets which have the effect of substantially reducing sales of the competitive United States product or products in the United States or in those other foreign markets, or

(4) imposes unjustifiable or unreasonable restrictions on access to supplies of food, raw materials, or manufactured or semimanufactured products which burden or restrict United States commerce,

the President shall take all appropriate and feasible steps within his power to obtain the elimination of such restrictions or subsidies, and he—

(A) may suspend, withdraw, or prevent the application of, or may refrain from proclaiming, benefits of trade agreement concessions to carry out a trade agreement with such country or instrumentality; and

(B) may impose duties or other import restrictions on the products of such foreign country or instrumentality, and may impose fees or restrictions on the services of such foreign country or instrumentality, for such time as he deems appropriate.

For purposes of this subsection, the term "commerce" includes services associated with the international trade.

(b) Relationship of Presidential action to purposes of chapter; authority to take action on nondiscriminatory treatment basis

In determining what action to take under subsection (a) of this section, the President shall consider the relationship of such action to the purposes of this chapter. Action shall be taken under subsection (a) of this section against the foreign country or instrumentality involved, except that, subject to the provisions of section 2412 of this title, any such action may be taken on a nondiscriminatory treatment basis.

(c) Findings prerequisite to Presidential action in response to foreign subsidies on exports to United States

The President in making a determination under this section, may take action under subsection (a)(3) of this section with respect to the exports of a product to the United States by a foreign country or instrumentality if—

(1) the Secretary of the Treasury has found that such country or instrumentality provides subsidies (or other incentives having the effect of subsidies) on such exports;

(2) the International Trade Commission has found that such exports to the United States have the effect of substantially reducing sales of the competitive United States product or products in the United States; and

(3) the President finds that the Antidumping Act, 1921 [19 U.S.C. 160 et seq.], and section 1303 of this title are inadequate to deter such practices.

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[1] So in original. The first paragraph was not designated subsec. (a).

(d) Opportunity for presentation of views concerning foreign import restrictions and export subsidies; complaints; review by Special Representative; public hearings; rules and regulations

(1) The President shall provide an opportunity for the presentation of views concerning the restrictions, acts, policies, or practices referred to in paragraphs (1), (2), (3), and (4) of subsection (a) of this section.

(2) Upon complaint filed by any interested party with the Special Representative for Trade Negotiations alleging any such restriction, act, policy, or practice, the Special Representative shall conduct a review of the alleged restriction, act, policy, or practice, and, at the request of the complainant, shall conduct public hearings thereon. The Special Representative shall have a copy of each complaint filed under this paragraph published in the Federal Register. The Special Representative shall issue regulations concerning the filing of complaints and the conduct of reviews and hearings under this paragraph and shall submit a report to the House of Representatives and the Senate semi-annually summarizing the reviews and hearings conducted by it under this paragraph during the preceding 6-month period.

(e) Opportunity for presentation of views concerning action to be taken by President; public hearings; views of International Trade Commission; expeditious action

Before the President takes any action under subsection (a) of this section with respect to the import of any product or the treatment of any service—

(1) he shall provide an opportunity for the presentation of views concerning the taking of action with respect to such product or service, and

(2) upon request by any interested person, he shall provide for appropriate public hearings with respect to the taking of action with respect to such product or service, and

(3) he may request the International Trade Commission for its views as to the probable impact on the economy of the United States of the taking of action with respect to such product or service.

If the President determines that, because of the need for expeditious action under subsection (a) of this section, compliance with paragraphs (1) and (2) would be contrary to the national interest, then such paragraphs shall not apply with respect to such action, but he shall thereafter promptly provide an opportunity for the presentation of views concerning the action taken and, upon request by any interested person, shall provide for appropriate public hearings with respect to the action taken. The President shall provide for the issuance of regulations concerning the filing of requests for, and the conduct of, hearings under this subsection.

(Pub. L. 93-618, title III, § 301, Jan. 3, 1975, 88 Stat. 2041.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (b), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

The Antidumping Act, 1921, referred to in subsec. (c)(3), is act May 27, 1921, ch. 14, 42 Stat. 11, which is classified to sections 160 to 171 of this title. For complete classification of this Act to the Code, see section 171 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1872, 2171, 2192, 2412 of this title.

§ 2412. Procedure for Congressional disapproval of certain actions taken by President to eliminate foreign import restrictions and export subsidies

(a) Whenever the President takes any action under subparagraph (A) or (B) of section 2411(a) of this title with respect to any country or instrumentality other than the country or instrumentality whose restriction, act, policy, or practice was the cause for taking such action, he shall promptly transmit to the House of Representatives and to the Senate a document setting forth the action which he has so taken, together with his reasons therefor.

(b) If, before the close of the 90-day period beginning on the day on which the document referred to in subsection (a) of this section is delivered to the House of Representatives and to the Senate, the two Houses adopt, by an affirmative vote of a majority of those present and voting in each House, a concurrent resolution of disapproval under the procedures set forth in section 2192 of this title, then such action under section 2411(a) of this title shall have no force and effect beginning with the day after the date of the adoption of such concurrent resolution of disapproval, except with respect to the country or instrumentality whose restriction, act, policy, or practice was the cause for taking such action.

(Pub. L. 93-618, title III, § 302, Jan. 3, 1975, 88 Stat. 2043.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2192, 2194, 2411 of this title.

SUBCHAPTER IV—TRADE RELATIONS WITH COUNTRIES NOT CURRENTLY RECEIVING NONDISCRIMINATORY TREATMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2191 of this title.

§ 2431. Exception of products of certain countries or areas

Except as otherwise provided in this subchapter, the President shall continue to deny nondiscriminatory treatment to the products of any country, the products of which were not eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

(Pub. L. 93-618, title IV, § 401, Jan. 3, 1975, 88 Stat. 2056.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

§ 2432. Freedom of emigration in East-West trade

(a) Actions of nonmarket economy countries making them ineligible for most-favored-nation treatment, programs of credits, credit guarantees, or investment guarantees, or commercial agreements

To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of law, on or after January 3, 1975, products from any nonmarket economy country shall not be eligible to receive nondiscriminatory treatment (most-favored-nation treatment), such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country, during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to emigrate;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any ctiizen as a consequence of the desire of such citizen to emigrate to the country of his choice,

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

(b) Presidential determination and report to Congress that nation is not violating freedom of emigration

After January 3, 1975, (A) products of a nonmarket economy country may be eligible to receive nondiscriminatory treatment (most-favored-nation treatment), (B) such country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and (C) the President may conclude a commercial agreement with such country, only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a) of this section. Such report with respect to such country shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and, with current information, on or before each June 30 and December 31 thereafter so long as such treatment is received, such credits or guarantees are extended, or such agreement is in effect.

(c) Waiver authority of President

(1) During the 18-month period beginning on January 3, 1975, the President is authorized to waive by Executive order the application of subsection (a) and (b) of this section with respect to any country, if he reports to the Congress that—

(A) he has determined that such waiver will substantially promote the objectives of this section; and

(B) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

(2) During any period subsequent to the 18-month period referred to in paragraph (1), the President is authorized to waive by Executive order the application of subsections (a) and (b) of this section with respect to any country, if the waiver authority granted by this subsection continues to apply to such country pursuant to subsection (d) of this section, and if he reports to the Congress that—

(A) he has determined that such waiver will substantially promote the objectives of this section; and

(B) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

(3) A waiver with respect to any country shall terminate on the day after the waiver authority granted by this subsection ceases to be effective with respect to such country pursuant to subsection (d) of this section. The President may, at any time, terminate by Executive order any waiver granted under this subsection.

(d) Recommendation to Congress to extend period of waiver authority

(1) If the President determines that the extension of the waiver authority granted by subsection (c)(1) of this section will substantially promote the objectives of thi section, he may recommend to the Congress that such authority be extended for a period of 12 months. Any such recommendation shall—

(A) be made not later than 30 days before the expiration of such authority;

(B) be made in the document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

(C) include, for each country with respect to which a waiver granted under subsection (c)(1) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

(2) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c)(1) of this section, such authority shall continue in effect with respect to any country for a period of 12 months following the end of the 18-month period referred to in subsection (c)(1) of this section, if, before the end of such 18-month period, the House of Representatives and the Senate adopt, by an affirmative vote of a majority of the Members present and voting in each House and under the procedures set forth in section 2193 of this title, a concurrent resolution approving the extension of such authority, and such resolution does not name such country as being excluded from such authority. Such authority shall cease to be effective with respect to any country named in such concurrent reso-

lution on the date of the adoption of such concurrent resolution. If before the end of such 18-month period, a concurrent resolution approving the extension of such authority is not adopted by the House and the Senate, but both the House and Senate vote on the question of final passage of such a concurrent resolution and—

(A) both the House and the Senate fail to pass such a concurrent resolution, the authority granted by subsection (c)(1) of this section shall cease to be effective with respect to all countries at the end of such 18-month period;

(B) both the House and the Senate pass such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 18-month period; or

(C) one House fails to pass such a concurrent resolution and the other House passes such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 18-month period.

(3) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c)(1) of this section, and at the end of the 18-month period referred to in subsection (c)(1) of this section the House of Representatives and the Senate have not adopted a concurrent resolution approving the extension of such authority and subparagraph (A) of paragraph (2) does nto apply, such authority shall continue in effect for a period of 60 days following the end of such 18-month period with respect to any country (except for any country with respect to which such authority was not extended by reason of the application of subparagraph (B) or (C) of paragraph (2)), and shall continue in effect for a period of 12 months following the end of such 18-month period with respect to any such country if, before the end of such 60-day period, the House of Representatives and the Senate adopt, by an affirmative vote of a majority of the Members present and voting in each House and under the procedures set forth in section 2193 of this title, a concurrent resolution approving the extension of such authority, and such resolution does not name such country as being excluded from such authority. Such authority shall cease to be effective with respect to any country named in such concurrent resolution on the date of the adoption of such concurrent resolution. If before the end of such 60-day period, a concurrent resolution approving the extension of such authority is not adopted by the House and Senate, but both the House and Senate vote on the question of final passage of such a concurrent resolution and—

(A) both the House and the Senate fail to pass such a concurrent resolution, the authority granted by subsection (c)(1) of this section shall cease to be effective with respect to all countries on the date of the vote on the question of final passage by the House which votes last;

(B) both the House and the Senate pass such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 60-day period; or

(C) one House fails to pass such a concurrent resolution and the other House passes such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 60-day period.

(4) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c)(1) of this section, and at the end of the 60-day period referred to in paragraph (3) the House of Representatives and the Senate have not adopted a concurrent resolution approving the extension of such authority and subparagraph (A) of paragraph (3) does not apply, such authority shall continue in effect until the end of the 12-month period following the end of the 18-month period referred to in subsection (c)(1) of this section with respect to any country (except for any country with respect to which such authority was not extended by reason of the application of subparagraph (B) or (C) of paragraph (2) or subparagraph (B) or (C) of paragraph (3)), unless before the end of the 45-day period following such 60-day period either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 2193 of this title, a resolution disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the adoption by either House before the end of such 45-day period of a resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the adoption by either House before the end of such 45-day period of a resolution disapproving the extension of such authority with respect to such country.

(5) If the waiver authority granted by subsection (c) of this section has been extended under paragraph (3) or (4) for any country for the 12-month period referred to in such paragraphs, and the President determines that the further extension of such authority will substantially promote the objectives of this section, he may recommend further extensions of such authority for successive 12-month periods. Any such recommendations shall—

(A) be made no later than 30 days before the expiration of such authority;

(B) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

(C) include, for each country with respect to which a waiver granted under subsection (c) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

If the President recommends the further extension of such authority, such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension with respect to any country (except for any country with respect to which such authority has not been extended under this subsection), unless before the end of the 60-day period following such previous 12-month extension, either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 2193 of this title, a resolution disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority with respect to such country.

(e) Countries not covered

This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

(Pub. L. 93-618, title IV, § 402, Jan. 3, 1975, 88 Stat. 2056.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (e), are set out in section 1202 of this title.

EX. ORD. NO. 11854. WAIVER FOR SOCIALIST REPUBLIC OF ROMANIA

Ex. Ord. No. 11854, Apr. 24, 1975, 40 F.R. 18391, provided:

By virtue of the authority vested in me by section 402(c)(1) of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978, 2057) [subsec. (c)(1) of this section], and having made the report to the Congress required by that provision, I hereby waive the application of subsections (a) and (b) of section 402 of said Act [subsecs. (a) and (b) of this section] with respect to the Socialist Republic of Romania.

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2192, 2193, 2437, 2439 of this title.

§ 2433. United States personnel missing in action in Southeast Asia

(a) Notwithstanding any other provision of law, if the President determines that a nonmarket economy country is not cooperating with the United States—

(1) to achieve a complete accounting of all United States military and civilian personnel who are missing in action in Southeast Asia,

(2) to repatriate such personnel who are alive, and

(3) to return the remains of such personnel who are dead to the United States,

then, during the period beginning with the date of such determination and ending on the date on which the President determines such country is cooperating with the United States, he may provide that—

(A) the products of such country may not receive nondiscriminatory treatment,

(B) such country may not participate, directly or indirectly, in any program under which the United States extends credit, credit guarantees, or investment guarantees, and

(C) no commercial agreement entered into under this subchapter between such country and the United States will take effect.

(b) This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

(Pub. L. 93-618, title IV, § 403, Jan. 3, 1975, 88 Stat. 2060.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

§ 2434. Extension of nondiscriminatory treatment

(a) Presidential proclamation

Subject to the provisions of section 2435(c) of this title, the President may by proclamation extend nondiscriminatory treatment to the products of a foreign country which has entered into a bilateral commercial agreement referred to in section 2435 of this title.

(b) Limitation on period of effectiveness

The application of nondiscriminatory treatment shall be limited to the period of effectiveness of the obligations of the United States to such country under such bilateral commercial agreement. In addition, in the case of any foreign country receiving nondiscriminatory treatment pursuant to this subchapter which has entered into an agreement with the United States regarding the settlement of lendlease reciprocal aid and claims, the application of such nondiscriminatory treatment shall be limited to periods during which such country is not in arrears on its obligations under such agreement.

(c) Suspension or withdrawal of extensions of nondiscriminatory treatment

The President may at any time suspend or withdraw any extension of nondiscriminatory treatment to any country pursuant to subsection (a) of this section, and thereby cause all products of such country to be dutiable at the rates set forth in rate column numbered 2 of the Tariff Schedules for the United States.

(Pub. L. 93-618, title IV, § 404, Jan. 3, 1975, 88 Stat. 2060.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (c), are set out in section 1202 of this title.

PROC. NO. 4369. AGREEMENT WITH SOCIALIST REPUBLIC OF ROMANIA

Proc. No. 4369, Apr. 24, 1975, 40 F.R. 18389, provided:

Pursuant to the authority vested in me by the United States Constitution, I, as President of the United States of America, acting through duly empowered representatives, entered into negotiation with duly empowered representatives of the Socialist Republic of Romania looking toward the conclusion of an agreement governing trade relations between the United States of America and the Socialist Republic of Romania;

The aforesaid negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93-618, January 3, 1975; 88 Stat. 1978) [this chapter];

An "Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania," including the annexes thereto, in the English and Romanian languages, was signed on April 2, 1975, by duly empowered representatives of the Governments of the United States of America and the Socialist Republic of Romania, respectively, and is hereto annexed [Filed with the Office of the Federal Register];

The said Agreement is in conformity with the requirements relating to bilateral commercial agreements as specified in section 405(b) of the Trade Act of 1974 (88 Stat. 1978, 2061) [section 2435(b) of this title];

It is provided in Article XII of the said Agreement that it shall enter into force on the date of exchange of written notices of acceptance by the Governments of the United States of America and the Socialist Republic of Romania; and

It is provided in section 405(c) of the Trade Act of 1974 (88 Stat. 1978, 2061) [section 2435(c) of this title] that a bilateral commercial agreement providing nondiscriminatory treatment to the products of countries heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress by the adoption of a concurrent resolution of approval, referred to in section 151 of the Trade Act of 1974 (88 Stat. 1978, 2001) [section 2191 of this title], of the extension of nondiscriminatory treatment to the products of the country concerned;

Now, Therefore, I, Gerald R. Ford, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 404(a) of the Trade Act of 1974 [subsec. (a) of this section], do hereby proclaim as follows:

(1) This Proclamation shall become effective and said agreement shall enter into force according to its terms, and nondiscriminatory treatment shall be extended to the products of the Socialist Republic of Romania in accordance with the terms of the said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XII of the said Agreement, all of the foregoing to follow the adoption by the House of Representatives and the Senate, in accordance with the procedures set forth in section 151 of the said Act [section 2191 of this title], of a concurrent resolution of approval of the extension of nondiscriminatory treatment to the products of the Socialist Republic of Romania, to the end that the same and every part of the said Agreement may be observed and fulfilled with good faith by the United States of America and the citizens thereof and all other persons subject to the jurisdiction thereof as of the date of its entry into force; and

(2) General Headnote 3(e) of the Tariff Schedules of the United States is amended by deleting therefrom "Rumania" as of the effective date of this proclamation and a notice thereof shall be published in the Federal Register promptly thereafter.

In Witness Whereof, I have hereunto set my hand this twenty-fourth day of April, in the year of our Lord one thousand nine hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford.

Section Referred to in Other Sections

This section is referred to in sections 2435, 2437 of this title.

§ 2435. Commercial agreements

(a) Presidential authority

Subject to the provisions of subsections (b) and (c) of this section, the President may authorize the entry into force of bilateral commercial agreements providing nondiscriminatory treatment to the products of countries heretofore denied such treatment whenever he determines that such agreements with such countries will promote the purposes of this chapter and are in the national interest.

(b) Terms of agreements

Any such bilateral commercial agreement shall—

(1) be limited to an initial period specified in the agreement which shall be no more than 3 years from the date the agreement enters into force; except that it may be renewable for additional periods, each not to exceed 3 years; if—

(A) a satisfactory balance of concessions in trade and services has been maintained during the life of such agreement, and

(B) the President determines that actual or foreseeable reductions in United States tariffs and nontariff barriers to trade resulting from multilateral negotiations are satisfactorily reciprocated by the other party to the bilateral agreement;

(2) provide that it is subject to suspension or termination at any time for national security reasons, or that the other provisions of such agreement shall not limit the rights of any party to take any action for the protection of its security interests;

(3) include safeguard arrangements (A) providing for prompt consultations whenever either actual or prospective imports cause or threaten to cause, or significantly contribute to, market disruption and (B) authorizing the imposition of such import restrictions as may be appropriate to prevent such market disruption;

(4) if the other party to the bilateral agreement is not a party to the Paris Convention for the Protection of Industrial Property, provide rights for United States nationals with respect to patents and trademarks in such country not less than the rights specified in such convention;

(5) if the other party to the bilateral agreement is not a party to the Universal Copyright Convention, provide rights for United States nationals with respect to copyrights in such country not less than the rights specified in such convention;

(6) in the case of an agreement entered into or renewed after January 3, 1975, provide arrangements for the protection of industrial rights and processes;

(7) provide arrangements for the settlement of commercial differences and disputes;

(8) in the case of an agreement entered into or renewed after January 3, 1975, provide arrangements for the promotion of trade, which may include those for the establishment or expansion of trade and tourist promotion offices, for facilitation of activities of governmental commercial officers, participation in trade fairs and exhibits, and the sending of trade missions, and for facilitation of entry,

establishment, and travel of commercial representatives;

(9) provide for consultations for the purpose of reviewing the operation of the agreement and relevant aspects of relations between the United States and the other party; and

(10) provide such other arrangements of a commercial nature as will promote the purposes of this chapter.

(c) Congressional action

An agreement referred to in subsection (a) of this section, and a proclamation referred to in section 2434(a) of this title implementing such agreement, shall take effect only if (1) approved by the Congress by the adoption of a concurrent resolution referred to in section 2191 of this title, or (2) in the case of an agreement entered into before January 3, 1975, and a proclamation implementing such agreement, a resolution of disapproval referred to in section 2192 of this title is not adopted during the 90-day period specified by section 2437(c)(2) of this title.

(Pub. L. 93-618, title IV, § 405, Jan. 3, 1975, 88 Stat. 2061.)

REFERENCES IN TEXT

"This chapter", referred to in subsecs. (a), (b)(10), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

The Universal Copyright Convention, referred to in subsec. (b)(5), is set out under section 9 of Title 17, Copyrights.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2434, 2436 of this title.

§ 2436. Market disruption

(a) Investigation by International Trade Commission; report; publication

(1) Upon the filing of a petition by an entity described in section 2251(a)(1) of this title, upon request of the President or the Special Representative for Trade Negotiations, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, or on its own motion, the International Trade Commission (hereafter in this section referred to as the "Commission") shall promptly make an investigation to determine, with respect to imports of an article which is the product of a Communist country, whether market disruption exists with respect to an article produced by a domestic industry.

(2) The provisions of subsections (a)(2), (b)(3), and (c) of section 2251 of this title shall apply with respect to investigations by the Commission under paragraph (1).

(3) The Commission shall report to the President its determination with respect to each investigation under paragraph (1) and the basis therefor and shall include in each report any dissenting or separate views. If the Commission finds, as a result of its investigation, that market disruption exists with respect to an article produced by a domestic industry, it shall find the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such market disruption and shall include such finding in its report to the President. The Commission shall furnish to the President a transcript of the hearings and any briefs which may have been submitted in connection with each investigation.

(4) The report of the Commission of its determination with respect to an investigation under paragraph (1) shall be made at the earliest practicable time, but not later than 3 months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Commission shall also promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

(b) Affirmative determination

For purposes of sections 2252 and 2253 of this title, an affirmative determination of the Commission under subsection (a) of this section shall be treated as an affirmative determination under section 2251(b) of this title, except that—

(1) the President may take action under sections 2252 and 2253 of this title only with respect to imports from the country or countries involved of the article with respect to which the affirmative determination was made, and

(2) if such action consists of, or includes, an orderly marketing agreement, such agreement shall be entered into within 60 days after the import relief determination date.

(c) Products of Communist countries

If, at any time, the President finds that there are reasonable grounds to believe, with respect to imports of an article which is the product of a Communist country, that market disruption exists with respect to an article produced by a domestic industry, he shall request the Commission to initiate an investigation under subsection (a) of this section. If the President further finds that emergency action is necessary, he may take action under sections 2252 and 2253 of this title as if an affirmative determination of the Commission had been made under subsection (a) of this section. Any action taken by the President under the preceding sentence shall cease to apply (1) if a negative determination is made by the Commission under subsection (a) of this section with respect to imports of such article, on the day on which the Commission's report of such determination is submitted to the President, or (2) if an affirmative determination is made by the Commission under subsection (a) of this section with respect to imports of such article, on the day on which the action taken by the President pursuant to such determination becomes effective.

(d) Petitions to initiate consultations as provided for by safeguard arrangements

(1) A petition may be filed with the President by an entity described in section 2251(a)(1) of this title requesting the President to initiate consultations provided for by the safeguard ar-

rangements of any agreement entered into under section 2435 of this title with respect to imports of an article which is the product of the country which is the other party to such agreement.

(2) If the President determines that there are reasonable grounds to believe, with respect to imports of such article, that market disruption exists with respect to an article produced by a domestic industry, he shall initiate consultations with such country with respect to such imports.

(e) Definitions

For purposes of this section—

(1) The term "Communist country" means any country dominated or controlled by communism.

(2) Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry.

(Pub. L. 93-618, title IV, § 406, Jan. 3, 1975, 88 Stat. 2062.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1330 of this title.

§ 2437. Procedure for Congressional approval or disapproval of extension of nondiscriminatory treatment and Presidential reports

(a) Transmission of nondiscriminatory treatment documents to Congress

Whenever the President issues a proclamation under section 2434 of this title extending nondiscriminatory treatment to the products of any foreign country, he shall promptly transmit to the House of Representatives and to the Senate a document setting forth the proclamation and the agreement the proclamation proposes to implement, together with his reasons therefor.

(b) Transmission of freedom of emigration documents to Congress

The President shall transmit to the House of Representatives and the Senate a document containing the initial report submitted by him under section 2432(b) or 2439(b) of this title with respect to a nonmarket economy country. On or before December 31 of each year, the President shall transmit to the House of Representatives and the Senate, a document containing the report required by section 2432(b) or 2439(b) of this title as the case may be, to be submitted on or before such December 31.

(c) Effective date of proclamations and agreements; disapproval of reports

(1) In the case of a document referred to in subsection (a) of this section (other than a document to which paragraph (2) applies), the proclamation set forth therein may become effective and the agreement set forth therein may enter into force and effect only if the House of Representatives and the Senate adopt, by an affirmative vote of a majority of those present and voting in each House, a concurrent resolution of approval (under the procedures set forth in section 2191 of this title) of the extension of nondiscriminatory treatment to the products of the country concerned.

(2) In the case of a document referred to in subsection (a) of this section which sets forth an agreement entered into before January 3, 1975, and a proclamation implementing such agreement, such proclamation may become effective and such agreement may enter into force and effect after the close of the 90-day period beginning on the day on which such document is delivered to the House of Representatives and to the Senate, unless during such 90-day period either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 2192 of this title) of the extension of nondiscriminatory treatment to the products of the country concerned.

(3) In the case of a document referred to in subsection (b) of this section which contains a report submitted by the President under section 2432(b) or 2439(b) of this title with respect to a nonmarket economy country, if, before the close of the 90-day period beginning on the day on which such document is delivered to the House of Representatives and to the Senate, either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 2192 of this title) of the report submitted by the President with respect to such country, then, beginning with the day after the date of the adoption of such resolution of disapproval, (A) nondiscriminatory treatment shall not be in force with respect to the products of such country, and the products of such country shall be dutiable at the rates set forth in rate column numbered 2 of the Tariff Schedules of the United States, (B) such country may not participate in any program of the Government of the United States which extends credit or credit guarantees or investment guarantees, and (C) no commercial agreement may thereafter be concluded with such country under this subchapter.

(Pub. L. 93-618, title IV, § 407, Jan. 3, 1975, 88 Stat. 2063.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (c)(3), are set out in section 1202 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2192, 2194, 2435 of this title.

§ 2438. Payment by Czechoslovakia of amounts owed United States citizens and nationals

(a) The arrangement initialed on July 5, 1974, with respect to the settlement of the claims of citizens and nationals of the United States against the Government of Czechoslovakia shall be renegotiated and shall be submitted to the Congress as part of any agreement entered into under this subchapter with Czechoslovakia.

(b) The United States shall not release any gold belonging to Czechoslovakia and controlled directly or indirectly by the United States pursuant to the provisions of the Paris Reparations Agreement of January 24, 1946, or otherwise, until such agreement has been approved by the Congress.

(Pub. L. 93-618, title IV, § 408, Jan. 3, 1975, 88 Stat. 2064.)

§ 2439. Freedom to emigrate to join a very close relative in United States

(a) Sanctions for emigration restrictions

To assure the continued dedication of the United States to the fundamental human rights and welfare of its own citizens, and notwithstanding any other provision of law, on or after January 3, 1975, no nonmarket economy country shall participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country, during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to join permanently through emigration, a very close relative in the United State,[1] such as a spouse, parent, child, brother, or sister;

(2) imposes more than a nominal tax on the visas or other documents required for emigration described in paragraph (1); or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate as described in paragraph (1),

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

(b) Report to Congress concerning emigration policies

After January 3, 1975, (A) a nonmarket economy country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and (B) the President may conclude a commercial agreement with such country, only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a) of this section. Such report with resepct to such country shall include information as to the nature and implementation of its laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate to the United States to join close relatives. The report required by this subsection shall be submitted initially as provided herein and, with current information, on or before each June 30 and December 31, thereafter, so long as such credits or guarantees are extended or such agreement is in effect.

(c) Exemption from application of section

This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

(d) Additional exemption from application of section

During any period that a waiver is in effect with respect to any nonmarket economy country under section 2432(c) of this title, the provisions of subsections (a) and (b) of this section shall not apply with respect to such country.

(Pub. L. 93-618, title IV, § 409, Jan. 3, 1975, 88 Stat. 2064.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (c), are set out in section 1202 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2192, 2437 of this title.

§ 2440. East-West Trade Statistics Monitoring System

The International Trade Commission shall establish and maintain a program to monitor imports of articles into the United States, from nonmarket economy countries and exports of articles from the United States to nonmarket economy countries. To the extent feasible, the Commission shall coordinate such program with any relevant data gathering programs presently conducted by the Secretary of Commerce. The Secretary of Commerce shall provide the Commission with any information which, in the determination of the Commission, is necessary to carry out this section. The Commission shall publish a detailed summary of the data collected under the East-West Trade Statistics Monitoring System not less frequently than once each calendar quarter and shall transmit such publication to the East-West Foreign Trade Board and to Congress. Such publication shall include data on the effect of such imports, if any, on the production of like, or directly competitive, articles in the United States and on employment within the industry which produces like, or directly competitive, articles in the United States.

(Pub. L. 93-618, title IV, § 410, Jan. 3, 1975, 88 Stat. 2065.)

§ 2441. East-West Foreign Trade Board

(a) Establishment; purpose

The President shall establish an East-West Foreign Trade Board (hereinafter referred to as the "Board") to monitor trade between persons and agencies of the United States Government and nonmarket economy countries or instrumentalities of such countries to insure that such trade will be in the national interest of the United States.

(b) Reports to Board

(1) Any person who exports technology vital to the national interest of the United States to a nonmarket economy country or an instrumentality of such country, and any agency of the United States which provides credits, guarantees or insurance to such country or such instrumentality in an amount in excess of $5,000,000 during any calendar year, shall file a report with the Board in such form and manner as the Board requires which describes the

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[1] So in original.

nature and terms of such export or such provision.

(2) For purposes of paragraph (1), if the total amount of credits, guarantees and insurance which an agency of the United States provides to all nonmarket economy countries and the instrumentalities of such countries exceeds $5,000,000 during a calendar year, then all subsequent provisions of credits, guarantees or insurance in any amount, during such year shall be reported to the Board under the provisions of paragraph (1).

(c) Report of Board to Congress

The Board shall submit to Congress a quarterly report on trade between the United States and nonmarket economy countries and instrumentalities of such countries. Such report shall include a review of the status of negotiations of bilateral trade agreements between the United States and such countries under this subchapter, the activities of joint trade commissions created pursuant to such agreements, the resolution of commercial disputes between the United States and such countries, any exports from such countries which have caused disruption of United States markets, and recommendations for the promotion of east-west trade in the national interest of the United States.

(Pub. L. 93-618, title IV, § 411, Jan. 3, 1975, 88 Stat. 2065.)

SUBCHAPTER V—GENERALIZED SYSTEM OF PREFERENCES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2253 of this title.

§ 2461. Authority to extend preferences

The President may provide duty-free treatment for any eligible article from any beneficiary developing country in accordance with the provisions of this subchapter. In taking any such action, the President shall have due regard for—

(1) the effect such action will have on furthering the economic development of developing countries;

(2) the extent to which other major developed countries are undertaking a comparable effort to assist developing countries by granting generalized references with respect to imports of products of such countries; and

(3) the anticipated impact of such action on United States producers of like or directly competitive products.

(Pub. L. 93-618, title V, § 501, Jan. 3, 1975, 88 Stat. 2066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2463, 2464 of this title.

§ 2462. Beneficiary developing countries

(a) Designation by President

(1) For purposes of this subchapter, the term "beneficiary developing country" means any country with respect to which there is in effect an Executive order by the President of the United States designating such country as a beneficiary developing country for purposes of this subchapter. Before the President designates any country as a beneficiary developing country for purposes of this subchapter, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(2) If the President has designated any country as a beneficiary developing country for purposes of this subchapter, he shall not terminate such designation (either by issuing an Executive order for that purpose or by issuing an Executive order which has the effect of terminating such designation) unless, at least 60 days before such termination, he has notified the House of Representatives and the Senate and has notified such country of his intention to terminate such designation, together with the considerations entering into such decision.

(3) For purposes of this subchapter, the term "country" means any foreign country, any overseas dependent territory or possession of a foreign country, or the Trust Territory of the Pacific Islands. In the case of an association of countries which is a free trade area or customs union, the President may be Executive order provide that all members of such association other than members which are barred from designation under subsection (b) of this section shall be treated as one country for purposes of this subchapter.

(b) Countries ineligible for designation as beneficiary developing countries

No designation shall be made under this section with respect to any of the following:

Australia, Austria, Canada, Czechoslovakia, European Economic Community member states, Finland, Germany (East), Hungary, Iceland, Japan, Monaco, New Zealand, Norway, Poland, Republic of South Africa, Sweden, Switzerland, Union of Soviet Socialist Republics.

In addition, the President shall not designate any country a beneficiary developing country under this section—

(1) if such country is a Communist country, unless (A) the products of such country receive nondiscriminatory treatment, (B) such country is a contracting party to the General Agreement on Tariffs and Trade and a member of the International Monetary Fund, and (C) such country is not dominated or controlled by international communism;

(2) if such country is a member of the Organization of Petroleum Exporting Countries, or a party to any other arrangement of foreign countries, and such country participates in any action pursuant to such arrangement the effect of which is to withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level and to cause serious disruption of the world economy;

(3) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to him that such preferential treatment will be eliminated before January 1, 1976, or that action will be taken before January 1, 1976, to

assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(4) if such country—

(A) has nationalized, expropriated, or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify an existing contract or agreement with a United States citizen or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property,

unless—

(D) the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with resepct to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and

promptly furnishes a copy of such determination to the Senate and House of Representatives;

(5) if such country does not take adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 812 of title 21) produced, processed, or transported in such country from entering the United States unlawfully;

(6) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership or association which is 50 percent or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute; and

(7) if such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism.

Paragraphs (4), (5), (6), and (7) shall not prevent the designation of any country as a beneficiary developing country under this section if the President determines that such designation will be in the national economic interest of the United States and reports such determination to the Congress with his reasons therefor.

(c) Factors determinative of whether to designate country as beneficiary developing country

In determining whether to designate any country a beneficiary developing country under this section, the President shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the level of economic development of such country, including its per capita gross national product, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) whether or not the other major developed countries are extending generalized preferential tariff treatment to such country; and

(4) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country.

(d) Access to supplies

The President may exempt from the application of paragraph (2) of subsection (b) of this section any country during the period during which such country (A) is a party to a bilateral or multilateral trade agreement to which the United States is also a party if such agreement fulfills the negotiating objectives set forth in section 2118 of this title of assuring the United States fair and equitable access at reasonable prices to supplies of articles of commerce important to the economic requirements of the United States and (B) is not in violation of such agreement by action denying the United States such fair and equitable access.

(Pub. L. 93-618, title V, § 502 (a)-(c), (e), Jan. 3, 1975, 88 Stat. 2066-2069; Pub. L. 94-455, title XVIII, § 1802, Oct. 4, 1976, 90 Stat. 1763.)

CODIFICATION

Subsec. (d) was, in the original, subsec. (e) of section 502 of Pub. L. 93-618. Subsec. (d) of section 502 of Pub. L. 93-618, calling for an addition to General Headnote 3(a) of the Tariff Schedules of the United States, has been executed to section 1202 of this title.

The phrase "withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level which causes serious disruption of the world economy" in subsec. (b)(2) was repeated in its entirety in the original immediately following the semicolon. The phrase as thus repeated has been omitted in codification as the probable intent of Congress.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-455 added par. (7) and in provisions following par. (7) substituted "(6), and (7)" for "and (6)".

EXECUTIVE ORDER NO. 11844

Ex. Ord. No. 11844, Mar. 24, 1975, 40 F.R. 13295, formerly set out as a note under this section, which related to the designation of beneficiary developing countries, was superseded by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, set out as a note below.

Ex. Ord. No. 11888. Implementing the Generalized System of Preferences

Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, as amended by Ex. Ord. No. 11906, Feb. 26, 1976, 41 F.R. 8758; Ex. Ord. No. 11934, Aug. 30, 1976, 41 F.R. 37084; Ex. Ord. No. 11960, Jan. 19, 1977, 42 F.R. 4317; Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A, provided:

The Trade Act of 1974 [this chapter] authorizes the establishment of a Generalized System of Preferences for eligible articles imported from beneficiary developing countries.

The President has designated and may, by Executive order, designate certain countries as beneficiary developing countries, after having determined that such designations are in accordance with the provisions of the Trade Act of 1974 and after having provided the necessary information to the Congress, pursuant to Section 502 of the Trade Act of 1974 [this section]. The necessary determinations have been made and the appropriate information has been furnished the Congress.

The President may, by Executive order, designate articles eligible for duty-free treatment after receiving advice from appropriate agencies, public comment, and the advice of the International Trade Commission. That advice has been received, as requested, by reference to item numbers, and statistical divisions thereof, contained in the Tariff Schedules of the United States, hereinafter sometimes referred to as TSUS [section 1202 of this title].

Since not every article within the group represented by an item number of the Tariff Schedules of the United States is eligible for duty-free treatment under a Generalized System of Preferences, it is necessary to subdivide some of the existing item numbers.

In order to implement the Generalized System of Preferences and to remove expired provisions of the TSUS, relating to the Philippine Republic and the Trust Territory of the Pacific Islands, it is necessary to amend the Tariff Schedules of the United States, thus embodying the substance of relevant provisions of the Trade Act of 1974, and of actions taken thereunder, into the Tariff Schedules of the United States.

Now, Therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V and Section 604 of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461, et seq.; 88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to designate additional beneficiary developing countries and eligible articles, and to implement a Generalized System of Preferences, it is hereby ordered as follows:

Section 1. The following expired headnotes and items for the products of the Philippine Republic and of the Trust Territory of the Pacific Islands are deleted from the Tariff Schedules of the United States:

Headnotes:

General headnote 3(c);
Headnotes 3 and 4, part 13, schedule 1;
Headnotes 1, 2, and 3, part 14, schedule 1;
Headnote 2, subpart B, part 14, schedule 1;
Headnote 2, part 2, schedule 3; and
Headnote 3, subpart A, part 7, schedule 7.

TSUS items:

170.22	170.23	170.24	170.26	170.27
170.29	170.31	170.33	170.34	170.36
170.37	170.42	170.43	170.44	170.47
170.48	170.49	170.62	170.63	170.64
170.68	170.70	170.74	170.75	170.76
175.10	175.11	175.12	176.05	176.06
176.07	176.08	176.09	176.10	176.11
176.12	176.13	745.21	745.22	

Sec. 2. The article descriptions, including superior headings, for TSUS items 175.09 and 176.04 are amended to read, respectively, "Copra" and "Coconut Oil".

Sec. 3. A column entitled "GSP" is added to the left of, and adjacent to, the column entitled "Item" on each page of schedules 1 through 7 of the TSUS. The designations "A" or "A*", as specified in general headnote 3(c)(ii) of the TSUS, as added by Section 9 of this Order, shall be placed in the column entitled "GSP" opposite the TSUS item number of each article which has been designated as an eligible article for purposes of the Generalized System of Preferences.

Sec. 4. In order to subdivide existing items for purposes of the Generalized System of Preferences, the Tariff Schedules of the United States are amended as provided in Annex I, attached hereto and made a part hereof.

Sec. 5. The articles, identified by item numbers of the Tariff Schedules of the United States, as modified by this Order, set forth in Annex II and Annex III, attached hereto and made a part hereof, are designated, pursuant to Section 503 of the Trade Act of 1974 (88 Stat. 2069, 19 U.S.C. 2463), as eligible articles for purposes of the Generalized System of Preferences, and shall be given duty-free treatment as set forth in General Headnote 3(c) of the TSUS, as added by Section 9 of this Order.

Sec. 6. The designation "A" shall be inserted in the column entitled "GSP" of the TSUS, as modified by this Order, opposite the TSUS item numbers set forth in Annex II of this Order.

Sec. 7. The designation "A*" shall be inserted in the column entitled "GSP" of the TSUS, as modified by this Order, opposite the TSUS item numbers set forth in Annex III of this Order.

Sec. 8. The countries set forth in General Headnote 3(c)(i) of the TSUS, as added by Section 9 of this Order, are hereby designated as beneficiary developing countries.

Sec. 9. A new General Headnote 3(c) of the TSUS is hereby added as follows:

"(c) *Products of Countries Designated Beneficiary Developing Countries for Purposes of the Generalized System of Preferences (GSP):*

"(i) The following countries and territories are designated beneficiary developing countries for purposes of the Generalized System of Preferences, provided for in Title V of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*):

"(a) *Independent Countries*

Afghanistan, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Congo (Brazzaville), Costa Rica, Cyprus, Dahomey, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, India, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Korea, Republic of, Laos, Lebanon, Lesotho, Liberia, Malagasy Republic, Malawi, Malaysia, Maldive Islands, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nauru, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Romania, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Surinam, Swaziland, Syria, Taiwan, Tanzania, Thailand, Togo, Tonga,Trinidad and Tobago, Tunisia, Turkey, Upper Volta, Uruguay, Western Samoa, Yemen Arab Republic, Yugoslavia, Zaire, Zambia.

"(b) *Non-Independent Countries and Territories*

Afars and Issas, French Territory of the, Antigua, Belize, Bermuda, British Indian Ocean Territory, British Solomon Islands, Brunei, Cayman Islands, Christmas Island (Australia), Cocos (Keeling) Islands, Comora Islands, Cook Islands, Dominica, Falkland Islands (Malvinas) and Dependencies, French Polynesia, Gilbraltar, Gilbert and Ellice Islands, Heard Island and McDonald Islands, Hong Kong, Macao, Montserrat, Netherlands Antilles, New Caledonia, New Hebrides Condominium, Nieu, Norfolk Island, Pitcairn Island, Portuguese Timor, Saint Christopher-Nevis-Anguilla, Saint Helena, Saint Lucia, Saint Vincent, Seychelles, Spanish Sahara, Tokelau Islands, Trust

Territory of the Pacific Islands, Turks and Caicos Islands, Virgin Islands, British, Wallis and Futuna Islands.

"(ii) Articles for which the designations "A" or "A*" appear in the column entitled "GSP" of the schedules are those designated by the President to be eligible articles for purposes of the GSP pursuant to Section 503 of the Trade Act [section 2463 of this title]. The designation "A" signifies that all beneficiary developing countries are eligible for preferential treatment with respect to all articles provided for in the designated TSUS item, while the designation "A*" indicates that certain beneficiary developing countries, specifically enumerated in subdivision (c)(iii) of this headnote, are not eligible for such preferential treatment with regard to any article provided for in the designated TSUS item. Whenever an eligible article is imported into the customs territory of the United States directly from a country or territory listed in subdivision (c)(i) of this headnote, it shall receive duty-free treatment unless excluded from such treatment by subdivision (c)(iii) of this headnote, provided that, in accordance with regulations promulgated by the Secretary of the Treasury:

"(A) The sum of (1) the cost or value of the materials produced in the beneficiary developing country, plus (2) the direct costs of processing operations performed in such country is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States; or

"(B) The sum of (1) the cost or value of the material produced in two or more beneficiary developing countries which are members of the same association of countries which is treated as one country under Section 502(a)(3) of the Trade Act, plus (2) the direct cost of processing operations performed in such countries is not less than 50 percent of the appraised value of such article at the time of its entry into the customs territory of the United States;

"and provided further that, for the purposes of (A) above, the term "country" does not include an association of countries which is treated as one country under Section 502(a)(3) of the Trade Act [subsec. (a)(3) of this section], but does include a country which is a member of any such association.

"(iii) The following designated eligible articles provided for in TSUS item numbers preceded by the designation "A*", if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not entitled to the duty-free treatment provided for in subdivision (c)(ii) of this headnote:

TSUS item No.	*Country or territory*
106.60	India.
106.70	Nicaragua.
107.48	Argentina.
111.15	Mexico.
121.50	Yugoslavia.
121.52	India.
121.54	Do.
130.40	Mexico.
130.63	Do.
131.35	Hong Kong.
135.80	Nicaragua.
135.90	Mexico.
136.00	Dominican Republic.
136.80	Mexico.
136.98	Dominican Republic.
137.40	Mexico.
137.75	Costa Rica.
138.05	Mexico.
140.09	Thailand.
140.14	Do.
140.16	Ethiopia.
141.35	Turkey.
141.55	Dominican Republic.
141.70	Republic of China (Taiwan).
145.24	Mexico.
145.60	Republic of China (Taiwan).
146.12	Argentina.
146.44	Philippine Republic.
147.33	Jamaica.
147.80	Mexico.
148.35	Do.
148.72	Chile.
148.77	Republic of Korea.
149.15	Dominican Republic.
149.50	Do.
152.00	Philippine Republic.
152.43	Dominican Republic.
152.72	Honduras.
153.02	Dominican Republic.
153.08	Do.
155.20	Argentina.
	Brazil.
	Republic of China (Taiwan).
	Colombia.
	Costa Rica.
	Dominican Republic.
	Guatemala.
	Guyana.
	India.
	Jamaica.
	Mexico.
	Peru.
	Philippine Republic.
155.35	Dominican Republic.
155.40	Mexico.
155.75	Do.
156.45	Do.
168.15	Trinidad.
168.18	Peru.
168.23	Do.
168.50	Mexico.
176.01	Brazil.
176.02	Do.
190.10	Mexico.
192.85	Do.
200.91	Do.
202.60	Thailand.
202.62	Mexico.
206.45	Philippine Republic.
206.60	Mexico.
206.95	Haiti.
222.10	Hong Kong.
222.42	Do.
240.02	Philippine Republic.
240.10	Brazil.
240.12	Do.
240.25	Republic of Korea.
240.38	Philippine Republic.
240.60	Singapore.
245.45	Surinam.
256.60	Republic of Korea.
256.85	Mexico.
304.04	Philippine Republic.
304.40	Republic of Korea.
304.48	Mexico.
304.58	India.
305.20	Do.
305.22	India.
305.28	Do.
305.30	Do.
305.40	Philippine Republic.
306.52	Republic of China (Taiwan)
306.53	Peru.
319.01	India.
319.03	Do.
319.05	Do.
319.07	Do.
335.50	Do.
347.30	Do.
355.04	Mexico.
360.35	India.
364.18	Republic of China (Taiwan)
364.35	Do.
365.05	Colombia.
365.14	Pakistan.
403.78	Mexico.
416.10	Turkey.
418.28	Israel.
419.60	Chile.
420.78	Turkey.
421.46	Mexico.
421.90	Peru.
422.76	Mexico.
425.32	Do.
426.94	Israel.
428.92	Mexico.
437.16	India.
437.64	Brazil.
446.10	Malaysia.
455.16	Nicaragua.

TSUS item No.	*Country or territory*
461.05	Israel.
461.15	Bermuda.
465.70	Argentina.
470.57	Do.
472.48	Cyprus.
473.36	Do.
473.52	Mexico.
473.56	Do.
493.20	Republic of China (Taiwan).
493.21	Do.
511.31	Mexico.
511.41	Do.
511.51	Do.
512.44	Do.
514.11	Dominican Republic.
514.54	Mexico.
516.71	India.
516.73	Do.
516.76	Do.
517.21	Malagasy Republic.
517.24	Do.
518.41	Mexico.
520.35	Thailand.
520.37	Hong Kong.
523.61	Mexico.
531.04	Yugoslavia.
535.31	Mexico.
540.47	Do.
544.11	Republic of China (Taiwan).
545.53	Mexico.
545.65	Do.
547.51	Do.
602.30	Peru. Philippine Republic.
603.45	Republic of Korea.
605.60	Mexico.
610.56	India.
612.03	Chile. Peru.
612.06	Chile. Yugoslavia.
613.18	Israel.
618.29	Republic of Korea.
624.42	Mexico.
628.90	Chile.
646.06	Hong Kong.
646.82	Republic of China (Taiwan).
646.86	Hong Kong.
646.98	Mexico.
647.10	Do.
649.37	Do.
650.87	Hong Kong.
651.01	Do.
652.36	Do.
653.85	Republic of China (Taiwan).
656.20	Hong Kong.
661.65	Israel.
672.10	Hong Kong.
676.20	Mexico.
676.52	Do.
678.50	Republic of China (Taiwan).
683.80	Hong Kong.
684.50	Do.
685.24	Republic of China (Taiwan). Hong Kong. Republic of Korea. Singapore.
685.90	Mexico.
686.30	Republic of China (Taiwan).
688.10	Do.
688.40	Hong Kong.
692.27	Mexico.
694.60	Do.
696.35	Republic of China (Taiwan).
702.08	Do.
702.14	Hong Kong.
702.35	Mexico.
702.45	Do.
703.20	Do.
703.65	Do.
706.40	Hong Kong.
708.41	Do.
710.30	Mexico.
713.05	Israel.
713.19	Mexico.
722.14	Hong Kong.
725.20	Pakistan.
726.70	Mexico.
730.27	Brazil.
730.39	Do.
730.41	Do.
730.65	Yugoslavia.
731.30	Republic of China (Taiwan).
731.50	Republic of Korea.
734.10	Republic of China (Taiwan).
734.25	Hong Kong.
734.30	Do.
734.34	Do.
734.40	Republic of China (Taiwan).
734.51	Do.
734.54	Republic of Korea.
734.56	Haiti.
734.60	Republic of China (Taiwan).
737.40	Hong Kong.
737.50	Do.
737.95	Do.
740.05	Mexico.
740.30	Hong Kong.
740.70	Yugoslavia.
741.20	Hong Kong.
745.08	Do.
748.20	Do.
748.40	Republic of China (Taiwan).
750.05	Hong Kong.
750.35	Republic of China (Taiwan).
750.40	Hong Kong.
751.05	Republic of China (Taiwan).
751.20	Do.
760.65	Do.
771.05	Mexico.
772.03	Hong Kong.
772.35	Republic of China (Taiwan).
772.97	Hong Kong.
773.10	Do.
773.20	Republic of Korea.
774.20	India.
774.60	Hong Kong.
790.07	Do.
790.39	Republic of China (Taiwan).
790.70	Republic of Korea.
791.20	Brazil.
792.50	Philippine Republic.
792.60	Hong Kong.
792.75	Do.

SEC. 10. The provisions of this Order shall be effective with respect to articles that are both (1) imported, and (2)(a) entered for consumption or (b) withdrawn from warehouse for consumption on or after the effective date of this Order.

SEC. 11. Executive Order No. 11844 of March 24, 1975, is superseded.

SEC. 12. This Order shall be effective on January 1, 1976.

GERALD R. FORD.

ANNEX I—GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

NOTES

1. Bracketed matter is included to assist in the understanding of proclaimed modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

Schedule 1

1. Item 107.50 is superseded by:

	[Beef . . . :]		
	"Beef in airtight containers:		
107.48	Corned beef	7.5% ad val.	30% ad val.
107.52	Other	7.5% ad val.	30% ad val."

2. Item 130.65 is superseded by:

	[Wheat:]		
	"Not fit for human consumption:		
130.63	Seed wheat	5% ad val.	10% ad val.
130.66	Other	5% ad val.	10% ad val."

3. Item 138.00 is superseded by:

	"Vegetables, fresh, chilled, or frozen, and cut, sliced, or otherwise reduced in size (but not otherwise prepared or preserved):		
138.05	Broccoli, cauliflower and okra	17.5% ad val.	35% ad val.
138.50	Other	17.5% ad val.	35% ad val."

4. Items 147.90 and 147.91 are superseded by:

	"Mangoes, fresh, or prepared or preserved:		
147.86	Fresh	3.75¢ per lb	15¢ per lb.
147.87	If products of Cuba	3¢ per lb. (s)	
147.92	Prepared or preserved	3.75¢ per lb	15¢ per lb.
147.93	If products of Cuba	3¢ per lb. (s)"	

5. Items 152.46 and 152.47 are superseded by:

	[Fruit pastes and fruit pulps:]		
"152.43	Cashew apple, mamey colorado, sapodilla, soursop and sweetsop.	17.5% ad val.	35% ad val.
152.44	If product of Cuba	10% ad val.(s)	
152.65	Papaya	17.5% ad val.	35% ad val.
152.66	If product of Cuba	10% ad val.(s)"	

6. Item 153.00 is superseded by:

	[All jellies . . .:]		
"153.02	Cashew apple, mango, mamey colorado, sapodilla, soursop and sweetsop.	5% ad val.	35% ad val.
153.20	Papaya	5% ad val.	35% ad val."

7.(a) Items 168.19, 168.20, 168.21, and 168.22 are superseded by:

	[Brandy:]		
	"Pisco and singani:		
	In containers each holding not over 1 gallon:		
168.18	Valued not over $9 per gallon	62¢ per gal	$5 per gal.
168.23	Valued over $9 per gallon	$1.25 per gal	$5 per gal.
	In containers each holding not over 1 gallon:		
168.24	Valued not over $9 per gallon	50¢ per gal	$5 per gal.
168.26	Valued over $9 per gallon	$1 per gal	$5 per gal.
	Other:		
	In containers each holding not over 1 gallon:		
168.27	Valued not over $9 per gallon	62¢ per gal	$5 per gal.
168.28	Valued over $9 per gallon	$1.25 per gal	$5 per gal.
	In containers each holding over 1 gallon:		
168.29	Valued not over $9 per gallon	50¢ per gal	$5 per gal.
168.32	Valued over $9 per gallon	$1 per gal	$5 per gal."

(b) Conforming changes: Items 168.25 and 168.30 are redesignated as 168.33 and 168.34, respectively. The article description for item 945.16 is modified by substituting therein "168.23, 168.26, 168.28 and 168.32" for "168.20 and 168.22".

8.(a) Item 182.95 is superseded by:

	[Edible preparations . . .:]		
	[Other:]		
	"Other:		
182.96	Wheat gluten	10% ad val.	20% ad val.
182.98	Other	10% ad val.	20% ad val."

(b) Conforming changes: Headnote 3 of subpart B, part 15, schedule 1 is modified by substituting therein "182.96 and 182.98" for "and 182.95." The article description for item 950.16 is modified by substituting therein "182.98" for "182.95." The article description for item 950.23 is modified by substituting therein "182.98" for "182.95."

Schedule 2

9. Item 206.97 is superseded by:

	[Household utensils - - - :]		
	"Other:		
206.96	Coat and garment hangers	8% ad val.	33⅓% ad val.
206.98	Other	8% ad val.	33⅓% ad val."

ANNEX I—GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES—Continued

Schedule 3

10. Items 335.80 and 335.90 are superseded by:

	[Woven fabrics - - - :]		
	[Other:]		
	"Weighing not over 4 ounces per square yard:		
335.70	**Of jute**	**3.2% ad val.**	**35% ad val.**
335.75	**Other**	**3.2% ad val.**	**35% ad val.**
	Weighing over 4 ounces per square yard:		
335.85	**Of jute**	**5% ad val.**	**40% ad val.**
335.95	**Other**	**5% ad val.**	**40% ad val."**

11. Item 347.25 is superseded by:

	[Narrow fabrics:]		
	[Of vegetable - - - :]		
	"Wicking:		
347.26	**Of cotton**	**10% ad val.**	**30% ad val.**
347.28	**Other**	**10% ad val.**	**30% ad val."**

12. (a) Items 360.75 and 360.80 are superseded by:

	[Floor coverings - - - :]		
	[In which - - - :]		
	[Other:]		
	"Hand-hooked, that is, in which the pile or tufts were inserted or knotted by hand or by means of a hand tool:		
	With over 50 percent by weight of the pile or tufts being of vegetable fibers:		
360.76	**Of cotton**	**12.5% ad val.**	**60% ad val.**
360.77	**Other**	**12.5% ad val.**	**60% ad val.**
	Other:		
360.78	**Of man-made fibers**	**12.5% ad val.**	**60% ad val.**
360.79	**Other**	**12.5% ad val.**	**60% ad val.**
	Other:		
	With over 50 percent by weight of the pile or tufts being of vegetable fibers:		
360.81	**Of cotton**	**16.5% ad val.**	**60% ad val.**
360.82	**Other**	**16.5% ad val.**	**60% ad val.**
	Other:		
360.83	**Of man-made fibers**	**16.5% ad val.**	**60% ad val.**
360.84	**Other**	**16.5% ad val.**	**60% ad val."**

(b) Conforming changes: The article description for item 361.90 is modified by substituting therein "360.81 to 360.84, inclusive," for "360.80."

13. Items 364.11, 364.12, and 364.15 are superseded by:

	[Tapestries . . . :]		
	[Other:]		
	[Of vegetable . . . :]		
	[Jacquard-figured:]		
	"Not pile construction:		
364.07	**Of cotton**	**15% ad val.**	**55% ad val.**
364.09	**Of vegetable fibers, except cotton**	**15% ad val.**	**55% ad val.**
	Pile construction:		
364.13	**Of cotton**	**15% ad val.**	**40% ad val.**
364.14	**Of vegetable fibers, except cotton**	**15% ad val.**	**40% ad val.**
	Other:		
364.16	**Certified hand-loomed and folklore products; and articles of cotton.**	**15% ad val.**	**40% ad val.**
364.18	**Other**	**15% ad val.**	**40% ad val."**

14. Items 365.10 and 365.85 are superseded by:

	[Lace or net furnishings . . . :]		
	[Handmade lace . . . :]		
	[Valued . . . :]		
	"Other:		
365.11	**Of wool or of man-made fibers**	**20% ad val.**	**90% ad val.**
365.14	**Other**	**20% ad val.**	**90% ad val."**
	[Net furnishings . . . :]		
	"Other:		
365.86	**Of wool or of man-made fibers**	**21% ad val.**	**90% ad val.**
365.91	**Other**	**21% ad val.**	**90% ad val."**

15. Item 370.20 is superseded by:

	[Lace handkerchiefs . . . :]		
	"Other:		
370.21	**Of man-made fibers**	**1¢ each + 10% ad val.**	**4¢ each + 40% ad val.**
370.22	**Other**	**1¢ each + 10% ad val.**	**4¢ each + 40% ad val."**

ANNEX I—GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES—Continued

16. Item 390.12 is superseded by:

	[Scrap cordage:]		
	"Other:		
390.14	Of man-made fibers	2.5% ad val.	10% ad val.
390.16	Other	2.5% ad val.	10% ad val."

Schedule 4

17. Item 425.98 is superseded by:

	[Acids:]		
"425.87	Propionic acid and sorbic acid	6% ad val.	25% ad val.
425.99	Other	6% ad val.	25% ad val."

Schedule 6

18. Item 685.23 is superseded by:

	[Radiotelegraphic . . . :]		
	[Radiotelegraphic . . . :]		
	[Other:]		
	"Solid-state (tubeless) radio receivers:		
685.21	Designed for motor-vehicle installation	10.4% ad val.	35% ad val.
685.24	Other	10.4% ad val.	35% ad val."

19. Items 687.50 and 687.51 are superseded by:

	[Electronic . . . :]		
	"Television picture tubes:		
687.35	Color	15% ad val.	60% ad val.
687.36	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6(B), schedule 6).	Free	
687.40	Other	15% ad val.	60% ad val.
687.41	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6(B), schedule 6).	Free"	

Schedule 7

20. (a) Item 700.55 is superseded by:

	[Footwear . . . :]		
	[Other . . . :]		
	"Having uppers of which over 90 percent of the exterior surface area is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper):		
700.54	Zoris (thonged sandals)	6% ad val.	35% ad val.
700.58	Other	6% ad val.	35% ad val."

(b) Conforming changes: Headnote 3(a) of subpart A, part 1, schedule 7 is modified by substituting therein "700.58" for "800.55."

21. Items 702.05 and 702.10 are superseded by:

	[Headwear . . . :]		
	[Of cotton . . . :]		
	"Knit:		
702.06	Of cotton	21% ad val.	45% ad val.
702.08	Other	21% ad val.	45% ad val.
	Not knit:		
702.12	Certified hand-loomed and folklore products; and headwear of cotton.	20% ad val.	37.5% ad val.
702.14	Other	20% ad val.	37.5% ad val.

22. Item 704.35 is superseded by:

	[Gloves . . . :]		
	[Lace or net . . . :]		
	"Of material other than vegetable fibers or wool:		
704.32	Of man-made fibers	30% ad val.	90% ad val.
704.34	Other	30% ad val.	90% ad val."

23. Item 726.80 is superseded by:

	"Musical instrument parts not specially provided for:		
726.85	Piano parts	8.5% ad val.	40% ad val.
726.90	Other	8.5% ad val.	40% ad val."

24. Item 727.80 is superseded by:

	"Pillows, cushions, mattresses, and similar furnishing, all the foregoing, whether or not fitted with covers and with or without electrical heating elements, fitted with springs, stuffed, or both, or of expanded, foamed, or sponge rubber or plastics:		
727.82	Of cotton	15% ad val.	40% ad val.
727.86	Other	15% ad val.	40% ad val."

25. Item 734.59 is superseded by:

	"Badminton equipment, and parts thereof:		
734.48	Nets of cotton, whether or not in badminton sets	14% ad val.	30% ad val.
734.51	Other	14% ad val.	30% ad val."

26. Item 737.90 is superseded by:

	[Toys . . . :]		
	"Other:		
737.85	Kites	17.5% ad val.	70% ad val.
737.95	Other	17.5% ad val.	70% ad val."

ANNEX II
TSUS item

100.25	100.31	100.73	100.95	105.30	105.60	105.84	106.40	106.70	106.75
106.80	106.85	107.10	107.15	107.25	107.40	107.65	107.75	107.80	110.28
110.35	110.45	111.10	111.15	111.18	111.56	111.60	112.03	112.36	112.40
112.94	113.01	113.30	113.40	113.50	113.60	114.05	114.25	114.55	117.65
117.67	119.50	119.55	120.17	121.10	121.15	121.25	121.35	121.54	121.65
123.50	124.20	124.25	124.30	124.40	124.60	124.65	124.70	124.80	125.01
125.10	125.15	125.20	125.30	125.50	125.70	125.80	126.41	126.71	127.10
130.20	130.30	131.20	131.80	135.41	135.50	135.60	135.70	135.94	136.10
136.40	136.50	136.90	136.92	137.01	137.40	140.11	140.16	140.38	140.46
141.05	141.20	141.45	141.50	141.79	145.02	145.24	145.28	145.30	145.54
146.42	146.66	146.73	146.80	147.21	147.29	147.92	148.35	149.60	152.00
152.05	152.58	152.60	153.08	153.16	153.24	153.32	154.10	154.55	154.60
155.30	155.40	155.60	155.75	156.25	156.30	156.40	156.47	157.10	161.19
161.37	161.43	161.45	161.61	161.65	161.71	161.75	161.79	161.83	161.92
161.94	161.96	162.03	162.07	162.11	162.15	165.55	166.10	166.20	166.30
167.05	167.15	167.25	167.34	167.40	167.50	168.17	168.18	168.23	168.24
168.26	168.33	168.35	168.48	168.52	168.55	175.51	176.01	176.14	176.30
176.49	176.50	176.70	177.12	177.16	177.22	177.24	177.26	177.40	177.58
177.62	177.69	177.72	178.30	182.05	182.10	182.11	182.15	182.20	182.30
182.32	182.35	182.36	182.40	182.45	182.46	182.52	182.58	182.90	182.96
184.50	186.10	186.15	186.20	186.30	186.50	188.30	188.34	188.50	190.10
190.25	190.68	191.15	192.45	192.70	193.10	200.06	200.45	202.38	202.40
202.54	202.56	202.60	202.66	203.10	203.30	204.05	204.10	204.20	204.30
204.35	206.30	206.45	206.50	206.52	206.53	206.54	206.95	207.00	220.31
220.36	220.39	220.47	222.30	222.32	222.36	222.40	222.41	222.42	222.44
222.55	222.57	222.60	222.64	240.00	240.03	240.04	240.06	240.14	240.16
240.19	240.21	240.30	240.32	240.34	240.36	240.40	240.50	240.52	240.54
240.56	240.58	240.60	245.00	245.10	245.20	245.30	245.45	245.50	245.60
245.70	245.80	251.10	251.15	251.20	251.25	251.30	251.45	251.49	252.05
252.10	252.13	252.15	252.17	252.20	252.25	252.27	252.30	252.35	252.40
252.42	252.45	252.50	252.57	252.59	252.61	252.63	252.67	252.70	252.73
252.75	252.77	252.79	252.81	252.84	252.86	252.90	253.05	253.10	253.15
253.20	253.25	253.30	253.35	253.40	253.45	254.05	254.09	254.15	254.18
254.20	254.25	254.30	254.35	254.40	254.42	254.44	254.46	254.48	254.50
254.54	254.56	254.58	254.63	254.65	254.70	254.75	254.80	254.85	254.90
254.95	256.05	256.10	256.13	256.15	256.20	256.25	256.30	256.35	256.40
256.42	256.44	256.48	256.52	256.54	256.56	256.58	256.65	256.67	256.70
256.75	256.90	270.45	270.50	273.30	273.50	273.55	273.65	273.70	273.75
273.85	273.90	273.95	274.05	274.10	274.15	274.20	274.23	274.27	274.29
274.33	274.35	274.60	274.65	274.70	274.75	274.80	274.85	274.90	304.10
304.12	304.14	304.20	304.22	304.44	305.50	306.42	306.53	306.60	306.61
306.70	306.71	306.72	306.80	306.81	306.82	307.02	307.04	307.06	307.16
308.06	308.10	308.16	308.18	308.20	308.35	308.40	308.45	308.47	308.50
308.51	308.55	308.80	308.90	312.10	312.30	312.40	312.50	315.75	316.70
335.70	335.85	339.10	347.20	347.28	347.35	347.72	347.75	355.20	355.42
355.55	360.36	360.77	360.79	360.84	361.53	364.09	364.14	364.18	364.25
364.35	365.05	365.14	365.91	370.19	370.22	385.95	389.61	390.16	403.02
403.04	403.06	403.08	403.10	403.40	403.42	403.44	403.46	403.58	403.70
403.75	403.78	403.79	403.90	405.04	405.06	405.10	405.15	405.20	405.25
405.30	405.35	405.40	405.45	405.55	406.80	407.02	407.04	407.06	407.10
407.20	407.25	407.30	407.32	407.35	407.40	407.45	407.50	407.55	407.60
407.70	407.80	407.90	408.05	408.10	408.15	408.20	408.25	408.30	408.35
408.45	408.60	408.70	408.75	408.80	409.00	415.20	415.27	415.50	416.05
416.10	416.30	416.45	417.10	417.14	417.16	417.18	417.20	417.22	417.24
417.26	417.28	417.30	417.32	417.34	417.36	417.38	417.42	417.44	417.50
417.52	417.54	417.64	417.70	417.72	417.74	417.76	417.78	417.80	417.92
418.00	418.14	418.18	418.22	418.24	418.26	418.28	418.32	418.40	418.42
418.44	418.50	418.52	418.60	418.62	418.68	418.72	418.74	418.76	418.94
419.00	419.02	419.04	419.10	419.20	419.22	419.24	419.28	419.32	419.34
419.38	419.40	419.42	419.44	419.50	419.52	419.54	419.60	419.70	419.74
419.76	419.80	419.82	419.84	419.90	420.00	420.02	420.04	420.06	420.08
420.14	420.16	420.18	420.20	420.22	420.24	420.26	420.28	420.30	420.34
420.36	420.40	420.54	420.60	420.68	420.70	420.78	420.84	420.86	420.88
420.94	420.98	421.04	421.06	421.08	421.10	421.14	421.16	421.18	421.22
421.34	421.36	421.44	421.46	421.52	421.54	421.60	421.62	421.72	421.74
421.76	421.84	421.86	421.90	422.00	422.10	422.12	422.14	422.20	422.24
422.26	422.30	422.58	422.60	422.62	422.70	422.72	422.74	422.78	422.80
422.82	422.90	422.92	422.94	423.00	423.80	423.84	423.86	423.88	423.94
423.96	425.02	425.04	425.06	425.08	425.09	425.10	425.12	425.14	425.18
425.20	425.22	425.24	425.26	425.28	425.32	425.34	425.36	425.38	425.41
425.42	425.52	425.70	425.72	425.74	425.76	425.78	425.82	425.87	425.88

ANNEX II—Continued
TSUS item—Continued

425.94	426.00	426.04	426.08	426.10	426.12	426.14	426.18	426.22	426.24
426.26	426.28	426.32	426.34	426.36	426.42	426.44	426.52	426.54	426.56
426.58	426.62	426.64	426.72	426.76	426.77	426.78	426.82	426.84	426.86
426.88	426.92	426.94	426.96	426.98	427.02	427.04	427.06	427.08	427.12
427.14	427.16	427.18	427.20	427.22	427.24	427.25	427.28	427.30	427.40
427.42	427.44	427.45	427.46	427.48	427.53	427.54	427.56	427.58	427.60
427.62	427.64	427.70	427.72	427.74	427.82	427.84	427.92	427.94	427.97
427.98	428.04	428.06	428.12	428.20	428.22	428.24	428.26	428.30	428.32
428.34	428.36	428.40	428.42	428.44	428.46	428.50	428.52	428.54	428.58
428.62	428.64	428.66	428.68	428.72	428.80	428.82	428.84	428.86	428.88
428.90	428.92	428.94	428.96	429.00	429.10	429.12	429.20	429.22	429.24
429.26	429.30	429.32	429.34	429.38	429.42	429.44	429.46	429.47	429.48
429.60	429.70	429.85	429.95	435.10	435.70	437.02	437.04	437.06	437.10
437.12	437.13	437.14	437.18	437.20	437.22	437.24	437.30	437.32	437.36
437.38	437.40	437.44	437.49	437.50	437.51	437.52	437.54	437.55	437.56
437.57	437.58	437.60	437.65	437.68	437.69	437.70	437.72	437.74	437.82
437.84	437.86	438.01	438.02	439.30	439.50	440.00	445.05	445.10	445.15
445.20	445.25	445.30	445.35	445.40	445.45	445.50	445.75	446.10	446.12
446.15	446.30	450.10	450.20	452.24	452.48	452.54	452.58	452.80	455.02
455.06	455.16	455.18	455.20	455.22	455.24	455.30	455.32	455.34	455.36
455.38	455.44	455.46	460.10	460.15	460.25	460.30	460.45	460.50	460.55
460.65	460.70	460.75	460.80	460.85	460.90	461.10	461.20	461.30	461.35
461.40	461.45	465.05	465.10	465.15	465.20	465.25	465.30	465.35	465.40
465.45	465.50	465.55	465.60	465.65	465.75	465.80	465.85	465.87	465.90
465.92	465.95	466.05	466.10	466.15	466.20	466.25	466.30	470.15	470.25
470.55	470.57	470.85	472.06	472.10	472.14	472.24	472.30	472.40	472.42
472.44	472.48	472.50	473.02	473.06	473.10	473.12	473.14	473.16	473.18
473.19	473.20	473.24	473.28	473.30	473.32	473.36	473.38	473.44	473.50
473.54	473.60	473.70	473.72	473.74	473.76	473.78	473.80	473.82	473.84
473.86	473.88	473.90	474.02	474.04	474.06	474.08	474.20	474.22	474.26
474.30	474.35	474.40	474.42	474.44	474.46	474.50	474.60	474.62	475.55
475.60	485.10	485.20	485.30	490.05	490.10	490.24	490.30	490.32	490.40
490.42	490.46	490.48	490.50	490.90	490.92	490.94	493.10	493.16	493.18
493.20	493.22	493.25	493.26	493.30	493.46	493.47	493.50	493.67	493.68
494.04	494.52	494.60	495.05	495.10	495.15	495.20	511.11	511.25	511.41
511.61	511.71	512.24	512.31	512.35	512.41	513.21	513.36	513.41	513.51
513.74	513.81	513.94	514.21	514.24	514.34	514.41	514.44	514.51	514.57
514.61	514.65	514.81	515.11	515.14	515.24	515.31	515.34	515.51	515.54
515.61	515.64	516.21	516.91	517.11	517.21	517.27	517.51	517.61	517.71
517.74	517.81	517.91	518.21	518.44	518.51	519.11	519.14	519.31	519.37
519.51	519.83	519.84	519.86	519.91	519.93	519.95	519.97	520.31	520.37
520.39	520.54	520.61	520.71	521.87	522.41	522.45	522.71	522.81	523.31
523.33	523.35	523.37	523.51	523.61	523.91	523.94	531.01	531.04	531.11
531.21	531.24	531.33	531.35	531.37	531.39	532.14	532.31	532.41	532.61
533.11	533.14	533.16	533.23	533.25	533.41	534.11	534.21	534.31	534.74
534.76	534.81	534.84	534.87	534.91	534.94	534.97	535.11	535.12	535.14
535.21	535.24	535.27	535.41	536.11	536.15	540.11	540.13	540.14	540.15
540.37	540.41	540.43	540.51	540.55	540.61	540.63	540.65	540.67	540.71
541.11	541.21	541.31	543.11	544.14	544.16	544.18	544.41	544.51	544.54
544.61	544.64	545.11	545.17	545.21	545.25	545.27	545.34	545.35	545.37
545.55	545.57	545.61	545.63	545.67	545.81	545.85	545.87	546.21	546.25
546.40	546.42	546.43	546.44	546.46	546.48	546.49	546.50	547.11	547.13
547.15	547.21	547.31	547.37	547.41	547.43	547.51	547.53	547.55	548.01
548.03	548.05	601.27	601.33	602.10	602.20	602.28	602.30	603.10	603.15
603.25	603.30	603.40	603.49	603.54	603.55	603.70	605.03	605.05	605.06
605.08	605.27	605.48	605.60	605.65	607.12	607.18	607.35	607.36	607.37
607.45	607.51	607.57	608.04	608.05	608.06	608.08	608.10	608.25	608.27
608.30	608.32	609.12	609.13	609.15	609.88	609.90	610.56	610.58	610.62
610.63	610.65	610.66	610.70	610.74	610.80	612.05	612.08	612.10	612.17
612.20	612.30	612.31	612.32	612.34	612.35	612.36	612.38	612.39	612.40
612.41	612.43	612.44	612.45	612.50	612.52	612.55	612.56	612.60	612.61
612.62	612.63	612.64	612.71	612.73	612.80	612.81	612.82	613.02	613.03
613.04	613.06	613.08	613.10	613.11	613.12	613.15	618.10	618.15	618.17
618.20	618.22	618.25	618.27	618.29	618.40	618.42	618.47	620.10	620.12
620.16	620.20	620.22	620.26	620.30	620.40	620.42	620.46	620.50	622.15
622.17	622.22	622.25	622.40	624.04	624.10	624.12	624.14	624.16	624.18
624.20	624.22	624.24	624.30	624.32	624.34	624.40	624.52	624.54	626.15
626.17	626.18	626.20	626.22	626.24	626.30	626.31	626.35	626.40	626.45
628.15	628.20	628.25	628.30	628.35	628.45	628.50	628.55	628.59	628.70
628.74	628.90	628.95	629.05	629.10	629.20	629.25	629.26	629.50	629.60
629.65	632.02	632.04	632.12	632.18	632.34	632.42	632.60	632.62	632.66
633.00	640.05	640.20	640.25	640.30	640.35	640.40	642.09	642.16	642.18
642.20	642.25	642.27	642.30	642.45	642.47	642.50	642.52	642.54	642.56
642.58	642.60	642.62	642.64	642.66	642.68	642.70	642.72	642.74	642.76
642.78	642.80	642.82	642.85	642.87	642.93	644.02	644.06	644.08	644.09

ANNEX II—Continued
TSUS item—Continued

644.11	644.12	644.15	644.17	644.18	644.20	644.22	644.24	644.26	644.28
644.30	644.32	644.36	644.38	644.40	644.42	644.46	644.48	644.52	644.56
644.60	644.64	644.68	644.72	644.76	644.80	644.84	644.88	644.92	644.95
644.98	646.02	646.06	646.17	646.20	646.22	646.27	646.28	646.30	646.32
646.34	646.36	646.40	646.41	646.42	646.45	646.47	646.51	646.53	646.54
646.56	646.57	646.65	646.72	646.74	646.75	646.76	646.77	646.78	646.82
646.85	646.87	646.88	646.95	646.97	647.01	647.03	647.05	647.10	648.51
648.53	648.55	648.57	648.61	648.63	648.67	648.69	648.71	648.73	648.75
648.85	648.89	648.91	648.93	648.95	648.97	649.01	649.03	649.05	649.07
649.11	649.14	649.17	649.19	649.21	649.23	649.24	649.25	649.26	649.27
649.29	649.31	649.32	649.33	649.35	649.37	649.41	649.43	649.44	649.46
649.47	649.48	649.49	649.53	649.57	649.67	649.73	649.75	649.77	649.79
649.81	649.83	649.85	649.87	649.89	649.91	650.05	650.07	650.13	650.19
650.35	650.37	650.43	650.51	650.53	650.57	650.61	650.63	650.65	650.71
650.73	650.75	650.77	650.81	650.85	650.89	651.01	651.04	651.07	651.09
651.11	651.13	651.15	651.21	651.23	651.25	651.27	651.29	651.31	651.33
651.37	651.45	651.47	651.51	651.53	651.55	651.60	651.62	652.03	652.06
652.09	652.12	652.15	652.18	652.21	652.24	652.27	652.30	652.33	652.35
652.36	652.38	652.41	652.42	652.45	652.55	652.65	652.70	652.72	652.75
652.80	652.86	652.88	652.90	652.92	652.93	652.98	653.05	653.07	653.10
653.15	653.20	653.25	653.30	653.35	653.37	653.39	653.45	653.50	653.60
653.62	653.65	653.70	653.75	653.80	653.90	653.95	653.97	654.00	654.05
654.10	654.15	654.20	656.05	656.10	656.15	656.25	656.30	656.35	657.10
657.15	657.20	657.30	657.35	657.40	657.50	657.60	657.70	657.75	657.80
658.00	660.10	660.15	660.20	660.22	660.25	660.30	660.35	660.42	660.46
660.52	660.54	660.65	660.70	660.75	660.80	660.85	660.92	660.94	661.09
661.10	661.12	661.15	661.20	661.25	661.30	661.35	661.40	661.45	661.50
661.55	661.65	661.70	661.85	661.90	661.92	661.95	662.10	662.15	662.18
662.20	662.26	662.35	662.50	664.05	664.10	666.10	666.25	668.00	668.02
668.04	668.06	668.07	668.10	668.15	668.20	668.32	668.34	668.36	668.38
668.50	670.00	670.02	670.04	670.06	670.12	670.14	670.16	670.17	670.18
670.19	670.20	670.22	670.23	670.25	670.27	670.29	670.33	670.35	670.40
670.41	670.42	670.43	670.50	670.52	670.54	670.56	670.64	670.66	670.68
670.70	670.72	670.74	670.90	672.15	672.20	672.22	672.25	674.10	674.20
674.30	674.32	674.35	674.40	674.42	674.50	674.52	674.53	674.55	674.60
674.70	674.75	674.80	674.90	676.07	676.10	676.12	676.15	676.20	676.22
676.23	676.25	676.30	676.50	678.20	678.30	678.32	678.35	678.40	678.45
680.05	680.07	680.12	680.15	680.20	680.22	680.25	680.27	680.40	680.45
680.47	680.48	680.52	680.54	680.57	680.60	680.70	680.90	682.05	682.07
682.20	682.25	682.30	682.40	682.50	682.52	682.55	682.60	682.70	682.80
682.90	682.95	683.10	683.15	683.20	683.30	683.32	683.40	683.50	683.60
683.65	683.90	683.95	684.10	684.15	684.20	684.30	684.40	684.62	684.64
684.70	685.10	685.40	685.42	685.60	685.70	686.22	686.24	686.40	686.50
686.60	686.70	686.80	686.90	687.10	687.20	687.37	688.04	688.06	688.15
688.20	688.25	688.30	688.35	690.05	690.10	690.15	690.20	690.40	692.04
692.14	692.16	692.35	692.40	692.45	692.50	692.55	692.60	694.15	694.20
694.30	694.40	694.50	694.60	694.70	696.05	696.10	696.15	696.30	696.35
696.40	696.50	696.60	702.14	702.15	702.25	702.28	702.30	702.32	702.35
702.37	702.40	702.47	704.85	702.90	702.95	703.20	703.25	703.30	703.35
703.40	703.45	703.50	703.55	703.60	703.70	703.72	703.80	703.85	704.75
704.80	704.95	705.30	705.90	706.04	706.45	706.47	706.50	708.01	708.03
708.05	708.07	708.09	708.21	708.23	708.25	708.27	708.29	708.41	708.43
708.45	708.47	708.51	708.52	708.53	708.55	708.57	708.59	708.71	708.72
708.73	708.75	708.76	708.78	708.80	708.82	708.85	708.87	708.89	708.91
708.93	709.01	709.03	709.05	709.06	709.07	709.09	709.10	709.11	709.13
709.15	709.17	709.19	709.21	709.23	709.25	709.27	709.40	709.45	709.50
709.54	709.55	709.56	709.57	709.61	709.63	709.66	710.04	710.06	710.08
710.12	710.14	710.16	710.20	710.21	710.26	710.27	710.30	710.34	710.36
710.40	710.42	710.46	710.50	710.60	710.61	710.63	710.65	710.67	710.68
710.70	710.72	710.76	710.78	710.80	710.86	710.88	710.90	711.04	711.08
711.25	711.34	711.36	711.37	711.40	711.42	711.45	711.47	711.49	711.55
711.60	711.67	711.82	711.83	711.84	711.86	711.88	711.90	711.98	712.05
712.10	712.12	712.15	712.20	712.25	712.27	712.47	712.49	713.05	713.09
713.11	713.17	715.20	720.80	720.92	721.10	722.02	722.04	722.10	722.12
722.14	722.16	722.18	722.30	722.32	722.34	722.40	722.42	722.44	722.46
722.50	722.52	722.55	722.56	722.60	722.64	722.70	722.72	722.75	722.78
722.80	722.82	722.83	722.85	722.86	722.88	722.90	722.92	722.94	722.96
723.05	723.10	723.15	723.20	723.25	723.30	723.32	723.35	724.10	724.12
724.20	724.25	724.40	724.45	725.03	725.04	725.06	725.10	725.12	725.14
725.16	725.18	725.20	725.22	725.24	725.26	725.30	725.32	725.34	725.36
725.38	725.40	725.46	725.47	725.50	725.52	726.05	726.10	726.15	726.20
726.25	726.40	726.45	726.50	726.52	726.55	726.60	726.62	726.63	726.65
726.75	726.90	727.02	727.04	727.06	727.15	727.30	727.35	727.40	727.45
727.47	727.48	727.52	727.55	727.86	728.05	728.10	728.15	728.20	728.25
730.05	730.23	730.25	730.31	730.37	730.39	730.43	730.45	730.51	730.53

ANNEX II—Continued
TSUS item—Continued

730.55	730.57	730.59	730.63	730.65	730.67	730.71	730.73	730.74	730.75
730.77	730.80	730.81	730.85	730.86	730.88	730.90	730.91	730.92	730.93
731.05	731.06	731.20	731.22	731.24	731.26	731.30	731.42	731.44	731.50
731.60	732.40	732.50	732.52	732.60	732.62	734.05	734.15	734.20	734.32
734.40	734.42	734.45	734.60	734.70	734.71	734.72	734.75	734.77	734.80
734.85	734.86	734.88	734.90	734.91	734.93	734.95	734.96	734.97	735.05
735.09	735.10	735.12	735.15	735.17	735.18	735.20	737.07	737.09	737.15
737.25	737.30	737.35	737.45	737.50	737.55	737.60	737.65	737.70	740.05
740.38	740.50	740.55	740.60	740.70	740.75	740.80	741.06	741.10	741.15
741.25	741.30	741.35	741.40	741.50	745.04	745.10	745.20	745.25	745.28
745.30	745.34	745.45	745.50	745.52	745.54	745.56	745.58	745.60	745.65
745.66	745.67	745.68	748.05	748.10	745.15	748.20	748.21	748.25	748.32
748.34	748.36	750.05	750.10	750.15	750.20	750.22	750.32	750.40	750.45
750.47	750.50	750.55	750.60	750.70	750.75	750.80	751.10	751.11	751.15
751.25	755.05	755.10	755.20	755.25	755.40	755.45	755.50	756.02	756.04
756.06	756.10	756.15	756.21	756.23	756.25	756.30	756.35	756.40	756.45
756.50	756.55	756.60	760.10	760.12	760.20	760.30	760.32	760.34	760.36
760.38	760.40	760.42	760.45	760.50	760.52	760.54	760.56	760.58	766.20
770.05	770.07	770.10	770.30	770.40	770.45	770.70	770.80	771.20	771.25
771.30	771.31	771.35	771.40	771.42	771.50	771.55	772.06	772.09	772.15
772.20	772.25	772.40	772.42	772.45	772.51	772.54	772.60	772.65	772.70
772.80	772.85	772.95	773.05	773.15	773.25	773.30	773.35	774.20	774.25
774.35	774.40	790.00	790.03	790.07	790.10	790.15	790.23	790.25	790.30
790.37	790.40	790.45	790.47	790.50	790.55	790.59	790.61	790.62	790.63
791.05	791.10	791.15	791.19	791.30	791.35	791.45	791.48	791.50	791.54
791.57	791.60	791.65	791.70	791.90	792.10	792.30	792.32	792.40	792.70
799.00	799.90								

ANNEX III
TSUS Item Number

106.60	107.20	107.45	107.48	107.70	111.92	121.52	121.55	130.35	130.40
130.63	131.35	132.55	135.30	135.51	135.80	135.90	136.00	136.80	136.98
136.99	137.71	137.75	138.05	140.09	140.10	140.14	140.20	140.21	140.25
140.35	141.35	141.55	141.70	141.77	145.09	145.52	145.53	145.60	146.12
146.22	146.44	147.33	147.36	147.80	147.85	148.72	148.77	149.15	149.50
152.43	152.54	152.72	153.02	153.28	154.40	155.20	155.35	156.35	156.45
161.15	161.53	161.69	166.40	168.15	176.15	176.33	184.65	186.40	192.85
200.91	202.62	203.20	206.47	206.60	206.98	220.10	220.15	220.20	220.25
220.35	220.37	220.41	220.48	220.50	222.10	222.34	222.62	240.02	240.10
240.12	240.38	256.60	256.80	256.85	274.00	304.04	304.40	304.48	304.58
305.20	305.22	305.28	305.30	305.40	306.52	308.30	316.50	319.01	319.03
319.05	319.07	335.50	347.30	355.04	360.35	360.82	370.17	407.08	407.12
408.40	417.90	418.78	418.80	420.82	422.76	425.00	425.84	425.86	426.46
437.16	437.64	460.35	460.60	461.05	461.15	465.70	473.46	473.48	473.52
473.56	473.58	473.62	473.66	490.44	493.21	493.82	494.40	511.31	511.51
512.44	513.84	514.11	514.54	516.11	516.24	516.71	516.73	516.74	516.76
516.94	517.24	518.41	520.35	520.51	533.26	535.31	540.21	540.47	544.11
545.31	545.53	545.65	546.23	603.45	603.50	605.66	610.71	612.02	612.03
612.06	612.15	612.70	612.72	613.18	620.08	622.20	622.35	624.02	624.42
624.50	626.42	628.05	628.10	628.40	640.10	642.06	646.04	646.86	646.98
649.39	649.71	650.79	650.83	650.87	651.03	651.49	652.50	652.84	653.02
653.03	653.85	656.20	657.90	660.44	672.10	674.56	676.52	678.50	683.70
683.80	684.50	685.24	685.25	685.90	686.30	687.30	688.10	688.12	688.40
692.27	696.35	700.54	702.08	702.20	702.45	703.65	703.75	704.34	706.40
711.30	713.07	713.15	713.19	724.35	726.70	730.27	730.29	730.41	731.10
734.10	734.25	734.30	734.34	734.51	734.54	734.56	734.87	735.11	737.40
737.80	737.95	740.10	740.30	741.20	745.08	748.12	748.40	750.25	750.35
750.65	751.05	751.20	755.30	760.65	771.05	771.45	772.03	772.35	772.97
773.10	773.20	774.60	790.39	790.60	790.70	791.17	791.20	791.25	791.76
791.80	792.22	792.50	792.60	792.75					

Executive Order No. 11960

Ex. Ord. No. 11960, Jan. 19, 1977, 42 F.R. 4317, formerly set out as a note under this section, which amended the Generalized System of Preferences, was revoked by Ex. Ord. No. 11974, Feb. 25, 1977, 42 F.R. 11230A, which amended Ex. Ord. No. 11888 set out as a note above.

Section Referred to in Other Sections

This section is referred to in sections 2463, 2464 of this title.

§ 2463. Eligible articles

(a) Lists of articles to be considered for designation

The President shall, from time to time, publish and furnish the International Trade Commission with lists of articles which may be considered for designation as eligible articles for purposes of this subchapter. Before any such list is furnished to the Commission, there shall be in effect an Executive order under section 2462 of this title designating beneficiary developing countries. The provisions of sections 2151, 2152, 2153, and 2154 of this title shall be complied with as though action under section 2461 of this title were action under section 2111 of this title to carry out a trade agreement entered into under section 2111 of this title. After receiving the advice of the Commission with respect to the listed articles, the President shall designate those articles he considers appropriate to be eligible articles for purposes of this subchapter by Executive order.

(b) Eligible articles qualifying for duty-free treatment

The duty-free treatment provided under section 2461 of this title with respect to any eligible article shall apply only—

(1) to an article which is imported directly from a beneficiary developing country into the customs territory of the United States; and

(2)(A) if the sum of (i) the cost or value of the materials produced in the beneficiary developing country plus (ii) the direct costs of processing operations performed in such beneficiary developing country is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States; or

(B) if the sum of (i) the cost or value of the materials produced in 2 or more countries which are members of the same association of countries which is treated as one country under section 2462(a)(3) of this title, plus (ii) the direct costs of processing operations performed in such countries is not less than 50 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

For purposes of paragraph (2)(A), the term "country" does not include an association of countries which is treated as one country under section 2462 (a)(3) of this title but does include a country which is a member of any such association. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this subsection.

(c) Articles which may not be designated as eligible articles

(1) The President may not designate any article as an eligible article under subsection (a) of this section if such article is within one of the following categories of import-sensitive articles—

(A) textile and apparel articles which are subject to textile agreements,

(B) watches,

(C) import-sensitive electronic articles,

(D) import-sensitive steel articles,

(E) footwear articles specified in items 700.05 through 700.27, 700.29 through 700.53, 700.55.23 through 700.55.75, and 700.60 through 700.80 of the Tariff Schedules of the United States.

(F) import-sensitive semimanufactured and manufactured glass products, and

(G) any other articles which the President determines to be import-sensitive in the context of the Generalized System of Preferences.

(2) No article shall be an eligible article for purposes of this subchapter for any period during which such article is the subject of any action proclaimed pursuant to section 2253 of this title or section 1862 or 1981 of this title.

(Pub. L. 93-618, title V, § 503, Jan. 3, 1975, 88 Stat. 2069.)

References in Text

The Tariff Schedules of the United States, referred to in subsec. (c)(1)(E), are set out in section 1202 of this title.

§ 2464. Limitations on preferential treatment

(a) Withdrawal, suspension, or limitation of duty-free treatment

The President may withdraw, suspend, or limit the application of the duty-free treatment accorded under section 2461 of this title with respect to any article or with respect to any country; except that no rate of duty may be established in respect of any article pursuant to this section other than the rate which would apply but for this subchapter. In taking any action under this subsection, the President shall consider the factors set forth in sections 2461 and 2462(c) of this title.

(b) Withdrawal or suspension of designation as beneficiary developing country

The President shall, after complying with the requirements of section 2462(a)(2) of this title, withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 2462(b) of this title. Such country shall cease to be a beneficiary developing country on the day on which the President issues an Executive order revoking his designation of such country under section 2462 of this title.

(c) Designation, continuance of designation, or redesignation as beneficiary developing country notwithstanding increases in exports to United States

(1) Whenever the President determines that any country—

(A) has exported (directly or indirectly) to the United States during a calendar year a quantity of an eligible article having an appraised value in excess of an amount which bears the same ratio to $25,000,000 as the gross national product of the United States for the preceding calendar year, as determined by the Department of Commerce, bears to the gross national product of the United States for calendar year 1974, or

(B) except as provided in subsection (d) of this section, has exported (either directly or indirectly) to the United States a quantity of any eligible article equal to or exceeding 50 percent of the appraised value of the total imports of such article into the United States during any calendar year,

then, not later than 60 days after the close of such calendar year, such country shall not be treated as a beneficiary developing country with respect to such article, except that, if before such 60th day, the President determines and publishes in the Federal Register that, with respect to such country—

(i) there has been an historical preferential trade relationship between the United States and such country,

(ii) there is a treaty or trade agreement in force covering economic relations between such country and the United States, and

(iii) such country does not discriminate against, or impose unjustifiable or unreasonable barriers to, United States commerce,

then he may designate, or continue the designation of, such country as a beneficiary developing country with respect to such article.

(2) A country which is no longer treated as a beneficiary developing country with respect to an eligible article by reason of this subsection may be redesignated, subject to the provisions of section 2462 of this title, a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the limitations in paragraph (1) of this subsection during the preceding calendar year.

(d) Domestic non-production of like or directly competitive articles

Subsection (c)(1)(B) of this section does not apply with respect to any eligible article if a like or directly competitive article is not produced on January 3, 1975, in the United States.

(e) Coffee imported into Puerto Rico

No action pursuant to section 2461 of this title may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 1319 of this title on coffee imported into Puerto Rico.

(Pub. L. 93-618, title V, § 504, Jan. 3, 1975, 88 Stat. 2070.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1202 of this title.

§ 2465. Time limit on duty-free treatment; report to Congress covering operation of preferences program

(a) No duty-free treatment under this subchapter shall remain in effect after the date which is 10 years after January 3, 1975.

(b) On or before the date which is 5 years after January 3, 1975, the President shall submit to the Congress a full and complete report of the operation of this subchapter.

(Pub. L. 93-618, title V, § 505, Jan. 3, 1975, 88 Stat. 2071.)

SUBCHAPTER VI—GENERAL PROVISIONS

§ 2481. Definitions

For purposes of this chapter—

(1) The term "duty" includes the rate and form of any import duty, including but not limited to tariff-rate quotas.

(2) The term "other import restriction" includes a limitation, prohibition, charge, and exaction other than duty, imposed on importation or imposed for the regulation of importation. The term does not include any orderly marketing agreement.

(3) The term "ad valorem" includes ad valorem equivalent. Whenever any limitation on the amount by which or to which any rate of duty may be decreased or increased pursuant to a trade agreement is expressed in terms of an ad valorem percentage, the ad valorem amount taken into account for purposes of such limitation shall be determined by the President on the basis of the value of imports of the articles concerned during the most recent representative period.

(4) The term "ad valorem equivalent" means the ad valorem equivalent of a specific rate or, in the case of a combination of rates including a specific rate, the sum of the ad valorem equivalent of the specific rate and of the ad valorem rate. The ad valorem equivalent shall be determined by the President on the basis of the value of imports of the article concerned during the most recent representative period. In determining the value of imports, the President shall utilize, to the maximum extent practicable, the standards of valuation contained in section 1401a or 1402 of this title applicable to the article concerned during such representative period.

(5) An imported article is "directly competitive with" a domestic article at an earlier or later stage of processing, and a domestic article is "directly competitive with" an imported article at an earlier or later stage of processing, if the importation of the article has an economic effect on producers of the domestic article comparable to the effect of importation of articles in the same stage of processing as the domestic article. For purposes of this paragraph, the unprocessed article is at an earlier stage of processing.

(6) The term "modification", as applied to any duty or other import restriction, includes the elimination of any duty or other import restriction.

(7) The term "existing" means (A) when used, without the specification of any date, with respect to any matter relating to entering into or carrying out a trade agreement or other action authorized by this chapter, existing on the day on which such trade agreement is entered into or such other action is taken; and (B) when used with respect to a rate of duty, the nonpreferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) set forth in rate column numbered 1

of schedules 1 through 7 of the Tariff Schedules of the United States on the date specified or (if no date is specified) on the day referred to in clause (A).

(8) A product of a country or area is an article which is the growth, produce, or manufacture of such country or area.

(9) The term "nondiscriminatory treatment" means most-favored-nation treatment.

(10) The term "commerce" includes services associated with international trade.

(Pub. L. 93-618, title VI, § 601, Jan. 3, 1975, 88 Stat. 2071.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in par. (7), are set out in section 1202 of this title.

§ 2482. Exercise of functions of International Trade Commission

(a) Preliminary investigation

In order to expedite the performance of its functions under this chapter, the International Trade Commission may conduct preliminary investigations, determine the scope and manner of its proceedings, and consolidate proceedings before it.

(b) Use of authority granted under other provisions

In performing its functions under this chapter, the Commission may exercise any authority granted to it under any other Act.

(c) Gathering of current information

The Commission shall at all times keep informed concerning the operation and effect of provisions relating to duties or other import restrictions of the United States contained in trade agreements entered into under the trade agreements program.

(Pub. L. 93-618, title VI, § 603, Jan. 3, 1975, 88 Stat. 2073.)

REFERENCES IN TEXT

"This chapter", referred to in subsecs. (a), (b), in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

§ 2483. Consequential changes in Tariff Schedules of the United States

The President shall from time to time, as appropriate, embody in the Tariff Schedules of the United States the substance of the relevant provisions of this chapter, and of other Acts affecting import treatment, and actions thereunder, including modification, continuance, or imposition of any rate of duty or other import restriction.

(Pub. L. 93-618, title VI, § 604, Jan. 3, 1975, 88 Stat. 2073.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

"This chapter", referred to in text, in the original read "this Act", meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note under section 2101 of this title and Tables volume.

IMPLEMENTING THE GENERALIZED SYSTEM OF PREFERENCES

For provisions relating to the implementation of the Generalized System of Preferences by making consequential changes in the Tariff Schedules of the United States, see Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, set out as a note under section 2462 of this title.

§ 2484. International drug control

The President shall submit a report to Congress at least once each calendar year listing those foreign countries in which narcotic drugs and other controlled substances (as listed under section 812 of title 21) are produced, processed, or transported for unlawful entry into the United States. Such report shall include a description of the measures such countries are taking to prevent such production, processing, or transport.

(Pub. L. 93-618, title VI, § 606, Jan. 3, 1975, 88 Stat. 2073.)

§ 2485. Voluntary limitations on export of steel to United States

No person shall be liable for damages, penalties, or other sanctions under the Federal Trade Commission Act [15 U.S.C. 41 et seq.] or the Antitrust Acts (as defined in section 4 of the Federal Trade Commission Act [15 U.S.C. 44]), or under any similar State law, on account of his negotiating, entering into, participating in, or implementing an arrangement providing for the voluntary limitation on exports of steel and steel products to the United States, or any modification or renewal of such an arrangement, if such arrangement or such modification or renewal—

(1) was undertaken prior to January 3, 1975, at the request of the Secretary of State or his delegate, and

(2) ceases to be effective not later than January 1, 1975.

(Pub. L. 93-618, title VI, § 607, Jan. 3, 1975, 88 Stat. 2073.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in text is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables volume.

§ 2486. Trade relations with Canada

It is the sense of the Congress that the United States should enter into a trade agreement with Canada which will guarantee continued stability to the economies of the United States and Canada. In order to promote such economic stability, the President may initiate negotiations for a trade agreement with Canada to establish a free trade area covering the United States and Canada. Nothing in this section shall be construed as prior approval of any legislation which may be necessary to implement such a trade agreement.

(Pub. L. 93-618, title VI, § 612, Jan. 3, 1975, 88 Stat. 2076.)

§ 2487. Limitation on credit to Russia

After January 3, 1975, no agency of the Government of the United States, other than the Commodity Credit Corporation, shall approve any loans, guarantees, insurance, or any combination thereof, in connection with exports to the Union of Soviet Socialist Republics in an aggregate amount in excess of $300,000,000 without prior congressional approval as provided by law.

(Pub. L. 93-618, title VI, § 613, Jan. 3, 1975, 88 Stat. 2076.)